of creating more American jobs. That argument may continue to work for some. But I am not buying it.

There has been a bipartisan failure, administration after administration, to address the effects of unfair trade on domestic manufacturers. Democrat and Republican administrations have been wrong to support irresponsible trade agreements in the past that have exacerbated the problems faced by American workers. President Obama is wrong in this instance. Congress should instead support trade agreements that substantially improve our existing trade laws and enhance our ability to enforce them in a timely fashion. We should only support trade agreements that include strong enforcement procedures, address currency manipulation, provide environmental protections, and protect American manufacturers from competing unfairly with exploited foreign workers. It is wrong to expect American workers to compete against state-owned enterprises that have unlimited government resources and violate our free market trade laws.

American manufacturing and the steel industry are struggling every day to keep their footing in the fight against unfair trade. Earlier this year, I co-chaired a Congressional Steel Caucus hearing where industry and labor representatives unanimously agreed that America's steel sector is being systematically targeted by trading partners that use the U.S. market as their dumping ground.

Just this month, six American steel producers, including two producers with facilities in my district, filed anti-dumping and countervailing duty petitions against foreign countries engaged in illegal trade practices. While I am pleased that American steel producers are taking action to hold these countries accountable, I am concerned that this case will not stop the ongoing trend of countries dumping their products into U.S. markets. I have frequently testified in front of the International Trade Commission (ITC), and was pleased that in 2009 the ITC ruled against China in an Oil Country Tubular Goods case. However, last year I testified again in a similar case involving these same products. After duties were imposed on China in 2009, other countries, such as Vietnam, Thailand, Turkey, and South Korea, started dumping the same product on our shores. This is a dangerous trend and Congress and the Administration must stop such practices from continuing.

I am encouraged that the House has taken some action to address unfair trade practices by including provisions in the Trade Facilitation and Trade Enforcement Act of 2015 that would strengthen our antidumping and countervailing duty laws. But while these provisions are a step in the right direction, they are not enough.

TPA does not include strong, enforceable currency reforms, and instead allows the Administration, without any clear guidelines, to determine how best to address currency manipulators. TPA does nothing to ensure that strong environmental protections will be included in future trade agreements. TPA does not crack down on worker exploitation or lay out a roadmap to ensure countries included in future trade agreements are in compliance with international labor and human rights standards. Such economic inhibitors should be rejected. Instead, we should focus on investing in and encouraging vigorous domestic manufacturing.

Mr. Speaker, steel is the economic backbone of the First Congressional District of Indiana, the foundation of our manufacturing base, and an essential element of our national defense. I am proud to represent the workers who make this steel every single day. Today, I ask that my colleagues stand up for American workers and oppose H.R. 1314.

Mr. NADLER. Mr. Speaker, I rise in opposition to the Trade Act of 2015 (H.R. 1314), which would ''fast-track'' trade agreements, such as the Trans-Pacific Partnership (TPP), by allowing them to pass Congress by a straight up or down vote without any possibility of amendment.

Ever since NAFTA in 1993, these so-called free trade agreements have all been sold to the American people on the same propaganda; that they will boost exports and increase jobs. Yet the results have always been the same. Although we might increase exports somewhat, one of our biggest exports has been American jobs. Any claims to the contrary are not worth the paper they are written on.

For starters, these are not really free trade agreements. A true free trade agreement would consist of no more than a few pages simply listing the dates on which tariffs for various commodities would be eliminated. In fact, these agreements consist of thousands of pages of negotiated provisions, which history demonstrates have benefited multi-national companies while destroying millions of American jobs and depressing American wage levels. Without adequate labor, environmental and human rights standards, our trading partners can and do pay their workers 30 cents per hour, make their goods cheaper by dumping waste products in the river, and murder workers who try to join a union. No wonder factories in the United States close and move abroad. No wonder our balance of trade becomes calamitous.

We are always told that the next trade agreement will have better protections, but that has never been the case. None of the so-called protections have been enforceable or enforced. So it is particularly troubling that the text of the TPP is still classified. Members of Congress can look at it, but cannot take notes, cannot make copies, and cannot talk about what they have seen. What are they afraid people might discover? If it is true that the TPP includes enforceable provisions related to labor and environmental standards, why not make it public? Why not share what is supposedly so critical in this trade agreement with the American people?

The fact that the TPP is secret is obnoxious. Most of what we know about it has come from leaks that indicate that the TPP, just like its predecessors, will simply help multi-national corporations and further impoverish the lower and middle classes here at home.

For example, the TPP includes a chapter on Investment-State Dispute Settlement (ISDS) that would allow multi-national corporations to sue state and local governments, or the Federal government, in private tribunals by alleging that American laws or regulations limit their profits. Companies like Phillip Morris could sue for compensation for loss of sales because of cigarette labeling laws. Companies could sue to void enforcement of minimum wage, or factory, safety or consumer laws.

According to the USTR, the TPP will also include new rules to ''ensure fair competition between state-owned enterprises (SOEs) and private companies.'' This could lead to privatization of a variety of public services. And just this week, the House voted to repeal our Country of Origin Labeling law after the WTO ruled that it discriminated against Canada and Mexico, raising even more questions about the consequences of these trade agreements on the sovereignty of our nation.

These questions are only the tip of the iceberg, and highlight the need for an open and honest review of the TPP rather than blindly facilitating its passage. The Constitution grants Congress the power to regulate foreign commerce. We must not cede that authority to the Executive Branch and abdicate our responsibility to protect the public interest. If the TPP is as beneficial as its supporters have claimed, it should be able to withstand scrutiny in the light of day and a full debate in Congress.

But we don't have to rely on leaks about the TPP to justify voting against the bills on the floor today. A host of provisions that have been added to the Trade Enforcement bill (H.R. 644) in order to gain support for this bill are egregious, such as prohibiting negotiations to address climate change, weakening language to combat human trafficking, and removing language to address currency manipulation.

This bill is dangerous and destructive. I urge my colleagues to vote No.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to clause 1(c) of rule XIX, further consideration of the motion to concur is postponed.

□ 1145

AMERICA GIVES MORE ACT OF 2015

Mr. TIBERI. Mr. Speaker, pursuant to House Resolution 305, I call up the bill (H.R. 644) to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory, with the Senate amendments thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendments.

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Trade Facilitation and Trade Enforcement Act of 2015''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) AUTOMATED COMMERCIAL ENVIRONMENT.—The term ''Automated Commercial Environment'' means the Automated Commercial Environment computer system authorized under section 13031(f)(4) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(4)).

(2) COMMISSIONER.—The term ''Commissioner'' means the Commissioner responsible for U.S. Customs and Border Protection.

(3) CUSTOMS AND TRADE LAWS OF THE UNITED STATES.—The term ''customs and trade laws of the United States'' includes the following:

(A) The Tariff Act of 1930 (19 U.S.C. 1202 et seq.).

(B) Section 249 of the Revised Statutes (19 U.S.C. 3).

(C) Section 2 of the Act of March 4, 1923 (42 Stat. 1453, chapter 251; 19 U.S.C. 6).

(D) The Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2071 et seq.).

(E) Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c).

(F) Section 251 of the Revised Statutes (19 U.S.C. 66).

(G) Section 1 of the Act of June 26, 1930 (46 Stat. 817, chapter 617; 19 U.S.C. 68).

(H) The Foreign Trade Zones Act (19 U.S.C. 81a et seq.).

(I) Section 1 of the Act of March 2, 1911 (36 Stat. 965, chapter 191; 19 U.S.C. 198).

(J) The Trade Act of 1974 (19 U.S.C. 2102 et seq.).

(K) The Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.).

(L) The North American Free Trade Agreement Implementation Act (19 U.S.C. 3301 et seq.).

(M) The Uruguay Round Agreements Act (19 U.S.C. 3501 et seq.).

(N) The Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.).

(O) The Andean Trade Preference Act (19 U.S.C. 3201 et seq.).

(P) The African Growth and Opportunity Act (19 U.S.C. 3701 et seq.).

(Q) The Customs Enforcement Act of 1986 (Public Law 99–570; 100 Stat. 3207–79).

(R) The Customs and Trade Act of 1990 (Public Law 101–382; 104 Stat. 629).

(S) The Customs Procedural Reform and Simplification Act of 1978 (Public Law 95–410; 92 Stat. 888).

(T) The Trade Act of 2002 (Public Law 107–210; 116 Stat. 933).

(U) The Convention on Cultural Property Implementation Act (19 U.S.C. 2601 et seq.).

(V) The Act of March 28, 1928 (45 Stat. 374, chapter 266; 19 U.S.C. 2077 et seq.).

(W) The Act of August 7, 1939 (53 Stat. 1263, chapter 566).

(X) Any other provision of law implementing a trade agreement.

(Y) Any other provision of law vesting customs revenue functions in the Secretary of the Treasury.

(Z) Any other provision of law relating to trade facilitation or trade enforcement that is

administered by U.S. Customs and Border Protection on behalf of any Federal agency that is required to participate in the International Trade Data System.

(AA) Any other provision of customs or trade law administered by U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement.

(4) PRIVATE SECTOR ENTITY.—The term ''private sector entity'' means—

(A) an importer;

(B) an exporter;

(C) a forwarder;

(D) an air, sea, or land carrier or shipper;

(E) a contract logistics provider;

(F) a customs broker; or

(G) any other person (other than an employee of a government) affected by the implementation of the customs and trade laws of the United States.

(5) TRADE ENFORCEMENT.—The term ''trade enforcement'' means the enforcement of the customs and trade laws of the United States.

(6) TRADE FACILITATION.—The term ''trade facilitation'' refers to policies and activities of U.S. Customs and Border Protection with respect to facilitating the movement of merchandise into and out of the United States in a manner that complies with the customs and trade laws of the United States.

TITLE I—TRADE FACILITATION AND TRADE ENFORCEMENT

SEC. 101. IMPROVING PARTNERSHIP PROGRAMS.

(a) IN GENERAL.—In order to advance the security, trade enforcement, and trade facilitation missions of U.S. Customs and Border Protection, the Commissioner shall ensure that partnership programs of U.S. Customs and Border Protection established before the date of the enactment of this Act, such as the Customs-Trade Partnership Against Terrorism established under subtitle B of title II of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 961 et seq.), and partnership programs of U.S. Customs and Border Protection established after such date of enactment, provide trade benefits to private sector entities that meet the requirements for participation in those programs established by the Commissioner under this section.

(b) ELEMENTS.—In developing and operating partnership programs under subsection (a), the Commissioner shall—

(1) consult with private sector entities, the public, and other Federal agencies when appropriate, to ensure that participants in those programs receive commercially significant and measurable trade benefits, including providing preclearance of merchandise for qualified persons that demonstrate the highest levels of compliance with the customs and trade laws of the United States, regulations of U.S. Customs and Border Protection, and other requirements the Commissioner determines to be necessary;

(2) ensure an integrated and transparent system of trade benefits and compliance requirements for all partnership programs of U.S. Customs and Border Protection;

(3) consider consolidating partnership programs in situations in which doing so would support the objectives of such programs, increase participation in such programs, enhance the trade benefits provided to participants in such programs, and enhance the allocation of the resources of U.S. Customs and Border Protection;

(4) coordinate with the Director of U.S. Immigration and Customs Enforcement, and other Federal agencies with authority to detain and release merchandise entering the United States—

(A) to ensure coordination in the release of such merchandise through the Automated Commercial Environment, or its predecessor, and the International Trade Data System;

(B) to ensure that the partnership programs of those agencies are compatible with the partnership programs of U.S. Customs and Border Protection;

(C) to develop criteria for authorizing the release, on an expedited basis, of merchandise for which documentation is required from one or more of those agencies to clear or license the merchandise for entry into the United States; and

(D) to create pathways, within and among the appropriate Federal agencies, for qualified persons that demonstrate the highest levels of compliance to receive immediate clearance absent information that a transaction may pose a national security or compliance threat; and

(5) ensure that trade benefits are provided to participants in partnership programs.

(c) REPORT REQUIRED.—Not later than the date that is 180 days after the date of the enactment of this Act, and December 31 of each year thereafter, the Commissioner shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that—

(1) identifies each partnership program referred to in subsection (a);

(2) for each such program, identifies—

(A) the requirements for participants in the program;

(B) the commercially significant and measurable trade benefits provided to participants in the program;

(C) the number of participants in the program; and

(D) in the case of a program that provides for participation at multiple tiers, the number of participants at each such tier;

(3) identifies the number of participants enrolled in more than one such partnership program;

(4) assesses the effectiveness of each such partnership program in advancing the security, trade enforcement, and trade facilitation missions of U.S. Customs and Border Protection, based on historical developments, the level of participation in the program, and the evolution of benefits provided to participants in the program;

(5) summarizes the efforts of U.S. Customs and Border Protection to work with other Federal agencies with authority to detain and release merchandise entering the United States to ensure that partnership programs of those agencies are compatible with partnership programs of U.S. Customs and Border Protection;

(6) summarizes criteria developed with those agencies for authorizing the release, on an expedited basis, of merchandise for which documentation is required from one or more of those agencies to clear or license the merchandise for entry into the United States;

(7) summarizes the efforts of U.S. Customs and Border Protection to work with private sector entities and the public to develop and improve partnership programs referred to in subsection (a);

(8) describes measures taken by U.S. Customs and Border Protection to make private sector entities aware of the trade benefits available to participants in such programs; and

(9) summarizes the plans, targets, and goals of U.S. Customs and Border Protection with respect to such programs for the 2 years following the submission of the report.

SEC. 102. REPORT ON EFFECTIVENESS OF TRADE ENFORCEMENT ACTIVITIES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the effectiveness of trade enforcement activities of U.S. Customs and Border Protection.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) a description of the use of resources, results of audits and verifications, targeting, organization, and training of personnel of U.S. Customs and Border Protection;

(2) a description of trade enforcement activities to address undervaluation, transshipment, legitimacy of entities making entry, protection of revenues, fraud prevention and detection, and penalties, including intentional misclassification, inadequate bonding, and other misrepresentations; and

(3) a description of trade enforcement activities with respect to the priority trade issues described in paragraph (3)(B)(ii) of section 2(d) of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072(d)), as added by section 111(a) of this Act, including—

(A) methodologies used in such enforcement activities, such as targeting;

(B) recommendations for improving such enforcement activities; and

(C) a description of the implementation of previous recommendations for improving such enforcement activities.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 103. PRIORITIES AND PERFORMANCE STANDARDS FOR CUSTOMS MODERNIZATION, TRADE FACILITATION, AND TRADE ENFORCEMENT FUNCTIONS AND PROGRAMS.

(a) PRIORITIES AND PERFORMANCE STANDARDS.—

(1) IN GENERAL.—The Commissioner, in consultation with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, shall establish priorities and performance standards to measure the development and levels of achievement of the customs modernization, trade facilitation, and trade enforcement functions and programs described in subsection (b).

(2) MINIMUM PRIORITIES AND STANDARDS.—Such priorities and performance standards shall, at a minimum, include priorities and standards relating to efficiency, outcome, output, and other types of applicable measures.

(b) FUNCTIONS AND PROGRAMS DESCRIBED.—The functions and programs referred to in subsection (a) are the following:

(1) The Automated Commercial Environment.

(2) Each of the priority trade issues described in paragraph (3)(B)(ii) of section 2(d) of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072(d)), as added by section 111(a) of this Act.

(3) The Centers of Excellence and Expertise described in section 110 of this Act.

(4) Drawback for exported merchandise under section 313 of the Tariff Act of 1930 (19 U.S.C. 1313), as amended by section 906 of this Act.

(5) Transactions relating to imported merchandise in bond.

(6) Collection of countervailing duties assessed under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) and antidumping duties assessed under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.).

(7) The expedited clearance of cargo.

(8) The issuance of regulations and rulings.

(9) The issuance of Regulatory Audit Reports.

(c) CONSULTATIONS AND NOTIFICATION.—

(1) CONSULTATIONS.—The consultations required by subsection (a)(1) shall occur, at a minimum, on an annual basis.

(2) NOTIFICATION.—The Commissioner shall notify the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of any changes to the priorities referred to in subsection (a) not later than 30 days before such changes are to take effect.

SEC. 104. EDUCATIONAL SEMINARS TO IMPROVE EFFORTS TO CLASSIFY AND APPRAISE IMPORTED ARTICLES, TO IMPROVE TRADE ENFORCEMENT EFFORTS, AND TO OTHERWISE FACILITATE LEGITIMATE INTERNATIONAL TRADE.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Commissioner and the Director shall establish and carry out on a fiscal year basis educational seminars to—

(A) improve the ability of U.S. Customs and Border Protection personnel to classify and appraise articles imported into the United States in accordance with the customs and trade laws of the United States;

(B) improve the trade enforcement efforts of U.S. Customs and Border Protection personnel and U.S. Immigration and Customs Enforcement personnel; and

(C) otherwise improve the ability and effectiveness of U.S. Customs and Border Protection personnel and U.S. Immigration and Customs Enforcement personnel to facilitate legitimate international trade.

(b) CONTENT.—

(1) CLASSIFYING AND APPRAISING IMPORTED ARTICLES.—In carrying out subsection (a)(1)(A), the Commissioner, the Director, and interested parties in the private sector selected under subsection (c) shall provide instruction and related instructional materials at each educational seminar under this section to U.S. Customs and Border Protection personnel and, as appropriate, to U.S. Immigration and Customs Enforcement personnel on the following:

(A) Conducting a physical inspection of an article imported into the United States, including testing of samples of the article, to determine if the article is mislabeled in the manifest or other accompanying documentation.

(B) Reviewing the manifest and other accompanying documentation of an article imported into the United States to determine if the country of origin of the article listed in the manifest or other accompanying documentation is accurate.

(C) Customs valuation.

(D) Industry supply chains and other related matters as determined to be appropriate by the Commissioner.

(2) TRADE ENFORCEMENT EFFORTS.—In carrying out subsection (a)(1)(B), the Commissioner, the Director, and interested parties in the private sector selected under subsection (c) shall provide instruction and related instructional materials at each educational seminar under this section to U.S. Customs and Border Protection personnel and, as appropriate, to U.S. Immigration and Customs Enforcement personnel to identify opportunities to enhance enforcement of the following:

(A) Collection of countervailing duties assessed under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) and antidumping duties assessed under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.).

(B) Addressing evasion of duties on imports of textiles.

(C) Protection of intellectual property rights.

(D) Enforcement of child labor laws.

(3) APPROVAL OF COMMISSIONER AND DIRECTOR.—The instruction and related instructional materials at each educational seminar under this section shall be subject to the approval of the Commissioner and the Director.

(c) SELECTION PROCESS.—

(1) IN GENERAL.—The Commissioner shall establish a process to solicit, evaluate, and select interested parties in the private sector for purposes of assisting in providing instruction and related instructional materials described in subsection (b) at each educational seminar under this section.

(2) CRITERIA.—The Commissioner shall evaluate and select interested parties in the private sector under the process established under paragraph (1) based on—

(A) availability and usefulness;

(B) the volume, value, and incidence of mislabeling or misidentification of origin of imported articles; and

(C) other appropriate criteria established by the Commissioner.

(3) PUBLIC AVAILABILITY.—The Commissioner and the Director shall publish in the Federal Register a detailed description of the process established under paragraph (1) and the criteria established under paragraph (2).

(d) SPECIAL RULE FOR ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—

(1) IN GENERAL.—The Commissioner shall give due consideration to carrying out an educational seminar under this section in whole or in part to improve the ability of U.S. Customs and Border Protection personnel to enforce a countervailing or antidumping duty order issued under section 706 or 736 of the Tariff Act of 1930 (19 U.S.C. 1671e or 1673e) upon the request of a petitioner in an action underlying such countervailing or antidumping duty order.

(2) INTERESTED PARTY.—A petitioner described in paragraph (1) shall be treated as an interested party in the private sector for purposes of the requirements of this section.

(e) PERFORMANCE STANDARDS.—The Commissioner and the Director shall establish performance standards to measure the development and level of achievement of educational seminars under this section.

(f) REPORTING.—Beginning September 30, 2016, the Commissioner and the Director shall submit to the Committee of Finance of the Senate and the Committee of Ways and Means of the House of Representatives an annual report on the effectiveness of educational seminars under this section.

(g) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of U.S. Immigration and Customs Enforcement.

(2) UNITED STATES.—The term ''United States'' means the customs territory of the United States, as defined in General Note 2 to the Harmonized Tariff Schedule of the United States.

(3) U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.—The term ''U.S. Customs and Border Protection personnel'' means import specialists, auditors, and other appropriate employees of U.S. Customs and Border Protection.

(4) U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT PERSONNEL.—The term ''U.S. Immigration and Customs Enforcement personnel'' means Homeland Security Investigations Directorate personnel and other appropriate employees of U.S. Immigration and Customs Enforcement.

SEC. 105. JOINT STRATEGIC PLAN.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and every 2 years thereafter, the Commissioner and the Director of U.S. Immigration and Customs Enforcement shall jointly develop and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, a joint strategic plan.

(b) CONTENTS.—The joint strategic plan required under this section shall be comprised of a comprehensive multi-year plan for trade enforcement and trade facilitation, and shall include—

(1) a summary of actions taken during the 2-year period preceding the submission of the plan to improve trade enforcement and trade facilitation, including a description and analysis of specific performance measures to evaluate the progress of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement in meeting each such responsibility;

(2) a statement of objectives and plans for further improving trade enforcement and trade facilitation;

(3) a specific identification of the priority trade issues described in paragraph (3)(B)(ii) of section 2(d) of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072(d)), as added by section 111(a) of this Act, that can be addressed in order to enhance trade enforcement and trade facilitation, and a description of strategies and plans for addressing each such issue, including—

(A) a description of the targeting methodologies used for enforcement activities with respect to each such issue;

(B) recommendations for improving such enforcement activities; and

(C) a description of the implementation of previous recommendations for improving such enforcement activities;

(4) a description of efforts made to improve consultation and coordination among and within Federal agencies, and in particular between U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, regarding trade enforcement and trade facilitation;

(5) a description of the training that has occurred to date within U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to improve trade enforcement and trade facilitation, including training under section 104 of this Act;

(6) a description of efforts to work with the World Customs Organization and other international organizations, in consultation with other Federal agencies as appropriate, with respect to enhancing trade enforcement and trade facilitation;

(7) a description of U.S. Customs and Border Protection organizational benchmarks for optimizing staffing and wait times at ports of entry;

(8) a specific identification of any domestic or international best practices that may further improve trade enforcement and trade facilitation;

(9) any legislative recommendations to further improve trade enforcement and trade facilitation; and

(10) a description of efforts made to improve consultation and coordination with the private sector to enhance trade enforcement and trade facilitation.

(c) CONSULTATIONS.—

(1) IN GENERAL.—In developing the joint strategic plan required under this section, the Commissioner and the Director shall consult with—

(A) appropriate officials from the relevant Federal agencies, including—

(i) the Department of the Treasury;

(ii) the Department of Agriculture;

(iii) the Department of Commerce;

(iv) the Department of Justice;

(v) the Department of the Interior;

(vi) the Department of Health and Human Services;

(vii) the Food and Drug Administration;

(viii) the Consumer Product Safety Commission; and

(ix) the Office of the United States Trade Representative; and

(B) the Commercial Customs Operations Advisory Committee established by section 109 of this Act.

(2) OTHER CONSULTATIONS.—In developing the joint strategic plan required under this section, the Commissioner and the Director shall seek to consult with—

(A) appropriate officials from relevant foreign law enforcement agencies and international organizations, including the World Customs Organization; and

(B) interested parties in the private sector.

(d) FORM OF PLAN.—The plan required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 106. AUTOMATED COMMERCIAL ENVIRONMENT.

(a) FUNDING.—Section 13031(f)(4)(B) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(4)(B)) is amended—

(1) by striking ''2003 through 2005'' and inserting ''2016 through 2018'';

(2) by striking ''such amounts as are available in that Account'' and inserting ''not less than $153,736,000''; and

(3) by striking ''for the development'' and inserting ''to complete the development and implementation''.

(b) REPORT.—Section 311(b)(3) of the Customs Border Security Act of 2002 (19 U.S.C. 2075 note) is amended to read as follows:

''(3) REPORT.—

''(A) IN GENERAL.—Not later than December 31, 2016, the Commissioner responsible for U.S. Customs and Border Protection shall submit to the Committee on Appropriations and the Committee on Finance of the Senate and the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives a report detailing—

''(i) U.S. Customs and Border Protection's incorporation of all core trade processing capabilities, including cargo release, entry summary, cargo manifest, cargo financial data, and export data elements into the Automated Commercial Environment computer system authorized under section 13031(f)(4) of the Consolidated Omnibus Budget and Reconciliation Act of 1985 (19 U.S.C. 58c(f)(4)) not later than September 30, 2016, to conform with the admissibility criteria of agencies participating in the International Trade Data System identified pursuant to section 411(d)(4)(A)(iii) of the Tariff Act of 1930;

''(ii) U.S. Customs and Border Protection's remaining priorities for processing entry summary data elements, cargo manifest data elements, cargo financial data elements, and export elements in the Automated Commercial Environment computer system, and the objectives and plans for implementing these remaining priorities;

''(iii) the components of the National Customs Automation Program specified in subsection (a)(2) of section 411 of the Tariff Act of 1930 that have not been implemented; and

''(iv) any additional components of the National Customs Automation Program initiated by the Commissioner to complete the development, establishment, and implementation of the Automated Commercial Environment computer system.

''(B) UPDATE OF REPORTS.—Not later than September 30, 2017, the Commissioner shall submit to the Committee on Appropriations and the Committee on Finance of the Senate and the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives an updated report addressing each of the matters referred to in subparagraph (A), and—

''(i) evaluating the effectiveness of the implementation of the Automated Commercial Environment computer system; and

''(ii) detailing the percentage of trade processed in the Automated Commercial Environment every month since September 30, 2016.''.

(c) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than December 31, 2017, the Comptroller General of the United States shall submit to the Committee on Appropriations and the Committee on Finance of the Senate and the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives a report—

(1) assessing the progress of other Federal agencies in accessing and utilizing the Automated Commercial Environment; and

(2) assessing the potential cost savings to the United States Government and importers and exporters and the potential benefits to enforcement of the customs and trade laws of the United States if the elements identified in clauses (i) through (iv) of section 311(b)(3)(A) of the Customs Border Security Act of 2002, as amended by subsection (b) of this section, are implemented.

SEC. 107. INTERNATIONAL TRADE DATA SYSTEM.

(a) INFORMATION TECHNOLOGY INFRASTRUCTURE.—Section 411(d) of the Tariff Act of 1930 (19 U.S.C. 1411(d)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively;

(2) by inserting after paragraph (3) the following:

''(4) INFORMATION TECHNOLOGY INFRASTRUCTURE.—

''(A) IN GENERAL.—The Secretary shall work with the head of each agency participating in the ITDS and the Interagency Steering Committee to ensure that each agency—

''(i) develops and maintains the necessary information technology infrastructure to support the operation of the ITDS and to submit all data to the ITDS electronically;

''(ii) enters into a memorandum of understanding, or takes such other action as is necessary, to provide for the information sharing between the agency and U.S. Customs and Border Protection necessary for the operation and maintenance of the ITDS;

''(iii) not later than June 30, 2016, identifies and transmits to the Commissioner responsible for U.S. Customs and Border Protection the admissibility criteria and data elements required by the agency to authorize the release of cargo by U.S. Customs and Border Protection for incorporation into the operational functionality of the Automated Commercial Environment computer system authorized under section 13031(f)(4) of the Consolidated Omnibus Budget and Reconciliation Act of 1985 (19 U.S.C. 58c(f)(4)); and

''(iv) not later than December 31, 2016, utilizes the ITDS as the primary means of receiving from users the standard set of data and other relevant documentation, exclusive of applications for permits, licenses, or certifications required for the release of imported cargo and clearance of cargo for export.

''(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to require any action to be taken that would compromise an ongoing law enforcement investigation or national security.''; and

(3) in paragraph (8), as redesignated, by striking ''section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note)'' and inserting ''section 109 of the Trade Facilitation and Trade Enforcement Act of 2015''.

SEC. 108. CONSULTATIONS WITH RESPECT TO MUTUAL RECOGNITION ARRANGEMENTS.

(a) CONSULTATIONS.—The Secretary of Homeland Security, with respect to any proposed mutual recognition arrangement or similar agreement between the United States and a foreign government providing for mutual recognition of supply chain security programs and customs revenue functions, shall consult—

(1) not later than 30 days before initiating negotiations to enter into any such arrangement or similar agreement, with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives; and

(2) not later than 30 days before entering into any such arrangement or similar agreement, with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

(b) NEGOTIATING OBJECTIVE.—It shall be a negotiating objective of the United States in any negotiation for a mutual recognition arrangement with a foreign country on partnership programs, such as the Customs-Trade Partnership Against Terrorism established under subtitle B of title II of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 961 et seq.), to seek to ensure the compatibility of the partnership programs of that country with the partnership programs of U.S. Customs and Border Protection to enhance trade facilitation and trade enforcement.

SEC. 109. COMMERCIAL CUSTOMS OPERATIONS ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than the date that is 60 days after the date of the enactment of this Act, the Secretary of the Treasury and the Secretary of Homeland Security shall jointly establish a Commercial Customs Operations Advisory Committee (in this section referred to as the ''Advisory Committee'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Advisory Committee shall be comprised of—

(A) 20 individuals appointed under paragraph (2);

(B) the Assistant Secretary for Tax Policy of the Department of the Treasury and the Commissioner, who shall jointly co-chair meetings of the Advisory Committee; and

(C) the Assistant Secretary for Policy and the Director of U.S. Immigration and Customs Enforcement of the Department of Homeland Security, who shall serve as deputy co-chairs of meetings of the Advisory Committee.

(2) APPOINTMENT.—

(A) IN GENERAL.—The Secretary of the Treasury and the Secretary of Homeland Security shall jointly appoint 20 individuals from the private sector to the Advisory Committee.

(B) REQUIREMENTS.—In making appointments under subparagraph (A), the Secretary of the Treasury and the Secretary of Homeland Security shall appoint members—

(i) to ensure that the membership of the Advisory Committee is representative of the individuals and firms affected by the commercial operations of U.S. Customs and Border Protection; and

(ii) without regard to political affiliation.

(C) TERMS.—Each individual appointed to the Advisory Committee under this paragraph shall be appointed for a term of not more than 3 years, and may be reappointed to subsequent terms, but may not serve more than 2 terms sequentially.

(3) TRANSFER OF MEMBERSHIP.—The Secretary of the Treasury and the Secretary of Homeland Security may transfer members serving on the Advisory Committee on Commercial Operations of the United States Customs Service established under section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note) on the day before the date of the enactment of this Act to the Advisory Committee established under subsection (a).

(c) DUTIES.—The Advisory Committee established under subsection (a) shall—

(1) advise the Secretary of the Treasury and the Secretary of Homeland Security on all matters involving the commercial operations of U.S. Customs and Border Protection, including advising with respect to significant changes that are proposed with respect to regulations, policies, or practices of U.S. Customs and Border Protection;

(2) provide recommendations to the Secretary of the Treasury and the Secretary of Homeland Security on improvements to the commercial operations of U.S. Customs and Border Protection;

(3) collaborate in developing the agenda for Advisory Committee meetings; and

(4) perform such other functions relating to the commercial operations of U.S. Customs and Border Protection as prescribed by law or as the Secretary of the Treasury and the Secretary of Homeland Security jointly direct.

(d) MEETINGS.—

(1) IN GENERAL.—The Advisory Committee shall meet at the call of the Secretary of the Treasury and the Secretary of Homeland Security, or at the call of not less than two-thirds of the membership of the Advisory Committee. The Advisory Committee shall meet at least 4 times each calendar year.

(2) OPEN MEETINGS.—Notwithstanding section 10(a) of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee meetings shall be open to the public unless the Secretary of the Treasury or the Secretary of Homeland Security determines that the meeting will include matters the disclosure of which would compromise the development of policies, priorities, or negotiating objectives or positions that could impact the commercial operations of U.S. Customs and Border Protection or the operations or investigations of U.S. Immigration and Customs Enforcement.

(e) ANNUAL REPORT.—Not later than December 31, 2016, and annually thereafter, the Advisory Committee shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that—

(1) describes the activities of the Advisory Committee during the preceding fiscal year; and

(2) sets forth any recommendations of the Advisory Committee regarding the commercial operations of U.S. Customs and Border Protection.

(f) TERMINATION.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the Advisory Committee.

(g) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Effective on the date on which the Advisory Committee is established under subsection (a), section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note) is repealed.

(2) REFERENCE.—Any reference in law to the Advisory Committee on Commercial Operations of the United States Customs Service established under section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note) made on or after the date on which the Advisory Committee is established under subsection (a), shall be deemed a reference to the Commercial Customs Operations Advisory Committee established under subsection (a).

SEC. 110. CENTERS OF EXCELLENCE AND EXPERTISE.

(a) IN GENERAL.—The Commissioner shall, in consultation with the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and the Commercial Customs Operations Advisory Committee established by section 109 of this Act, develop and implement Centers of Excellence and Expertise throughout U.S. Customs and Border Protection that—

(1) enhance the economic competitiveness of the United States by consistently enforcing the laws and regulations of the United States at all ports of entry of the United States and by facilitating the flow of legitimate trade through increasing industry-based knowledge;

(2) improve enforcement efforts, including enforcement of priority trade issues described in subparagraph (B)(ii) of section 2(d)(3) of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072(d)), as added by section 111(a) of this Act, in specific industry sectors through the application of targeting information from the Commercial Targeting Division established under subparagraph (A) of such section 2(d)(3) and from other means of verification;

(3) build upon the expertise of U.S. Customs and Border Protection in particular industry operations, supply chains, and compliance requirements;

(4) promote the uniform implementation at each port of entry of the United States of policies and regulations relating to imports;

(5) centralize the trade enforcement and trade facilitation efforts of U.S. Customs and Border Protection;

(6) formalize an account-based approach to apply, as the Commissioner determines appropriate, to the importation of merchandise into the United States;

(7) foster partnerships though the expansion of trade programs and other trusted partner programs;

(8) develop applicable performance measurements to meet internal efficiency and effectiveness goals; and

(9) whenever feasible, facilitate a more efficient flow of information between Federal agencies.

(b) REPORT.—Not later than December 31, 2016, the Commissioner shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report describing—

(1) the scope, functions, and structure of each Center of Excellence and Expertise developed and implemented under subsection (a);

(2) the effectiveness of each such Center of Excellence and Expertise in improving enforcement efforts, including enforcement of priority trade issues, and facilitating legitimate trade;

(3) the quantitative and qualitative benefits of each such Center of Excellence and Expertise to the trade community, including through fostering partnerships through the expansion of trade programs such as the Importer Self Assessment program and other trusted partner programs;

(4) all applicable performance measurements with respect to each such Center of Excellence and Expertise, including performance measures with respect to meeting internal efficiency and effectiveness goals;

(5) the performance of each such Center of Excellence and Expertise in increasing the accuracy and completeness of data with respect to international trade and facilitating a more efficient flow of information between Federal agencies; and

(6) any planned changes in the number, scope, functions or any other aspect of the Centers of Excellence and Expertise developed and implemented under subsection (a).

SEC. 111. COMMERCIAL TARGETING DIVISION AND NATIONAL TARGETING AND ANALYSIS GROUPS.

(a) IN GENERAL.—Section 2(d) of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072(d)) is amended by adding at the end the following:

''(3) COMMERCIAL TARGETING DIVISION AND NATIONAL TARGETING AND ANALYSIS GROUPS.—

''(A) ESTABLISHMENT OF COMMERCIAL TARGETING DIVISION.—

''(i) IN GENERAL.—The Secretary of Homeland Security shall establish and maintain within the Office of International Trade a Commercial Targeting Division.

''(ii) COMPOSITION.—The Commercial Targeting Division shall be composed of—

''(I) headquarters personnel led by an Executive Director, who shall report to the Assistant Commissioner for Trade; and

''(II) individual National Targeting and Analysis Groups, each led by a Director who shall report to the Executive Director of the Commercial Targeting Division.

''(iii) DUTIES.—The Commercial Targeting Division shall be dedicated—

''(I) to the development and conduct of commercial risk assessment targeting with respect to cargo destined for the United States in accordance with subparagraph (C); and

''(II) to issuing Trade Alerts described in subparagraph (D).

''(B) NATIONAL TARGETING AND ANALYSIS GROUPS.—

''(i) IN GENERAL.—A National Targeting and Analysis Group referred to in subparagraph (A)(ii)(II) shall, at a minimum, be established for each priority trade issue described in clause (ii).

''(ii) PRIORITY TRADE ISSUES.—

''(I) IN GENERAL.—The priority trade issues described in this clause are the following:

''(aa) Agriculture programs.

''(bb) Antidumping and countervailing duties.

''(cc) Import safety.

''(dd) Intellectual property rights.

''(ee) Revenue.

''(ff) Textiles and wearing apparel.

''(gg) Trade agreements and preference programs.

''(II) MODIFICATION.—The Commissioner is authorized to establish new priority trade issues and eliminate, consolidate, or otherwise modify the priority trade issues described in this paragraph if the Commissioner—

''(aa) determines it necessary and appropriate to do so;

''(bb) submits to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a summary of proposals to consolidate, eliminate, or otherwise modify existing priority trade issues not later than 60 days before such changes are to take effect; and

''(cc) submits to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a summary of proposals to establish new priority trade issues not later than 30 days after such changes are to take effect.

''(iii) DUTIES.—The duties of each National Targeting and Analysis Group shall include—

''(I) directing the trade enforcement and compliance assessment activities of U.S. Customs and Border Protection that relate to the Group's priority trade issue;

''(II) facilitating, promoting, and coordinating cooperation and the exchange of information between U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and other relevant Federal departments and agencies regarding the Group's priority trade issue; and

''(III) serving as the primary liaison between U.S. Customs and Border Protection and the public regarding United States Government activities regarding the Group's priority trade issue, including—

''(aa) providing for receipt and transmission to the appropriate U.S. Customs and Border Protection office of allegations from interested parties in the private sector of violations of customs and trade laws of the United States of merchandise relating to the priority trade issue;

''(bb) obtaining information from the appropriate U.S. Customs and Border Protection office on the status of any activities resulting from the submission of any such allegation, including any decision not to pursue the allegation, and providing any such information to each interested party in the private sector that submitted the allegation every 90 days after the allegation was received by U.S. Customs and Border Protection unless providing such information would compromise an ongoing law enforcement investigation; and

''(cc) notifying on a timely basis each interested party in the private sector that submitted such allegation of any civil or criminal actions taken by U.S. Customs and Border Protection or other Federal department or agency resulting from the allegation.

''(C) COMMERCIAL RISK ASSESSMENT TARGETING.—In carrying out its duties with respect to commercial risk assessment targeting, the Commercial Targeting Division shall—

''(i) establish targeted risk assessment methodologies and standards—

''(I) for evaluating the risk that cargo destined for the United States may violate the customs and trade laws of the United States, particularly those laws applicable to merchandise subject to the priority trade issues described in subparagraph (B)(ii); and

''(II) for issuing, as appropriate, Trade Alerts described in subparagraph (D); and

''(ii) to the extent practicable and otherwise authorized by law, use, to administer the methodologies and standards established under clause (i)—

''(I) publicly available information;

''(II) information available from the Automated Commercial System, the Automated Commercial Environment computer system, the Automated Targeting System, the Automated Export System, the International Trade Data System, the TECS (formerly known as the 'Treasury Enforcement Communications System'), the case management system of U.S. Immigration and Customs Enforcement, and any successor systems; and

''(III) information made available to the Commercial Targeting Division, including information provided by private sector entities.

''(D) TRADE ALERTS.—

''(i) ISSUANCE.—Based upon the application of the targeted risk assessment methodologies and standards established under subparagraph (C), the Executive Director of the Commercial Targeting Division and the Directors of the National Targeting and Analysis Groups may issue Trade Alerts to directors of United States ports of entry directing further inspection, or physical examination or testing, of specific merchandise to ensure compliance with all applicable customs and trade laws and regulations administered by U.S. Customs and Border Protection.

''(ii) DETERMINATIONS NOT TO IMPLEMENT TRADE ALERTS.—The director of a United States port of entry may determine not to conduct further inspections, or physical examination or testing, pursuant to a Trade Alert issued under clause (i) if the director—

''(I) finds that such a determination is justified by security interests; and

''(II) notifies the Assistant Commissioner of the Office of Field Operations and the Assistant

Commissioner of International Trade of U.S. Customs and Border Protection of the determination and the reasons for the determination not later than 48 hours after making the determination.

''(iii) SUMMARY OF DETERMINATIONS NOT TO IMPLEMENT.—The Assistant Commissioner of the Office of Field Operations of U.S. Customs and Border Protection shall—

''(I) compile an annual public summary of all determinations by directors of United States ports of entry under clause (ii) and the reasons for those determinations;

''(II) conduct an evaluation of the utilization of Trade Alerts issued under clause (i); and

''(III) submit the summary to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not later than December 31 of each year.

''(iv) INSPECTION DEFINED.—In this subparagraph, the term 'inspection' means the comprehensive evaluation process used by U.S. Customs and Border Protection, other than physical examination or testing, to permit the entry of merchandise into the United States, or the clearance of merchandise for transportation in bond through the United States, for purposes of—

''(I) assessing duties;

''(II) identifying restricted or prohibited items; and

''(III) ensuring compliance with all applicable customs and trade laws and regulations administered by U.S. Customs and Border Protection.''.

(b) USE OF TRADE DATA FOR COMMERCIAL ENFORCEMENT PURPOSES.—Section 343(a)(3)(F) of the Trade Act of 2002 (19 U.S.C. 2071 note) is amended to read as follows:

''(F) The information collected pursuant to the regulations shall be used exclusively for ensuring cargo safety and security, preventing smuggling, and commercial risk assessment targeting, and shall not be used for any commercial enforcement purposes, including for determining merchandise entry. Notwithstanding the preceding sentence, nothing in this section shall be treated as amending, repealing, or otherwise modifying title IV of the Tariff Act of 1930 or regulations prescribed thereunder.''.

SEC. 112. REPORT ON OVERSIGHT OF REVENUE PROTECTION AND ENFORCEMENT MEASURES.

(a) IN GENERAL.—Not later than March 31, 2016, and not later than March 31 of each second year thereafter, the Inspector General of the Department of the Treasury shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report assessing, with respect to the period covered by the report, as specified in subsection (b), the following:

(1) The effectiveness of the measures taken by U.S. Customs and Border Protection with respect to protection of revenue, including—

(A) the collection of countervailing duties assessed under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) and antidumping duties assessed under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.);

(B) the assessment, collection, and mitigation of commercial fines and penalties;

(C) the use of bonds, including continuous and single transaction bonds, to secure that revenue; and

(D) the adequacy of the policies of U.S. Customs and Border Protection with respect to the monitoring and tracking of merchandise transported in bond and collecting duties, as appropriate.

(2) The effectiveness of actions taken by U.S. Customs and Border Protection to measure accountability and performance with respect to protection of revenue.

(3) The number and outcome of investigations instituted by U.S. Customs and Border Protection with respect to the underpayment of duties.

(4) The effectiveness of training with respect to the collection of duties provided for personnel of U.S. Customs and Border Protection.

(b) PERIOD COVERED BY REPORT.—Each report required by subsection (a) shall cover the period of 2 fiscal years ending on September 30 of the calendar year preceding the submission of the report.

SEC. 113. REPORT ON SECURITY AND REVENUE MEASURES WITH RESPECT TO MERCHANDISE TRANSPORTED IN BOND.

(a) IN GENERAL.—Not later than December 31 of 2016, 2017, and 2018, the Secretary of Homeland Security and the Secretary of the Treasury shall jointly submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on efforts undertaken by U.S. Customs and Border Protection to ensure the secure transportation of merchandise in bond through the United States and the collection of revenue owed upon the entry of such merchandise into the United States for consumption.

(b) ELEMENTS.—Each report required by subsection (a) shall include, for the fiscal year preceding the submission of the report, information on—

(1) the overall number of entries of merchandise for transportation in bond through the United States;

(2) the ports at which merchandise arrives in the United States for transportation in bond and at which records of the arrival of such merchandise are generated;

(3) the average time taken to reconcile such records with the records at the final destination of the merchandise in the United States to demonstrate that the merchandise reaches its final destination or is reexported;

(4) the average time taken to transport merchandise in bond from the port at which the merchandise arrives in the United States to its final destination in the United States;

(5) the total amount of duties, taxes, and fees owed with respect to shipments of merchandise transported in bond and the total amount of such duties, taxes, and fees paid;

(6) the total number of notifications by carriers of merchandise being transported in bond that the destination of the merchandise has changed; and

(7) the number of entries that remain unreconciled.

SEC. 114. IMPORTER OF RECORD PROGRAM.

(a) ESTABLISHMENT.—Not later than the date that is 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish an importer of record program to assign and maintain importer of record numbers.

(b) REQUIREMENTS.—The Secretary shall ensure that, as part of the importer of record program, U.S. Customs and Border Protection—

(1) develops criteria that importers must meet in order to obtain an importer of record number, including—

(A) criteria to ensure sufficient information is collected to allow U.S. Customs and Border Protection to verify the existence of the importer requesting the importer of record number;

(B) criteria to ensure sufficient information is collected to allow U.S. Customs and Border Protection to identify linkages or other affiliations between importers that are requesting or have been assigned importer of record numbers; and

(C) criteria to ensure sufficient information is collected to allow U.S. Customs and Border Protection to identify changes in address and corporate structure of importers;

(2) provides a process by which importers are assigned importer of record numbers;

(3) maintains a centralized database of importer of record numbers, including a history of importer of record numbers associated with each importer, and the information described in subparagraphs (A), (B), and (C) of paragraph (1);

(4) evaluates and maintains the accuracy of the database if such information changes; and

(5) takes measures to ensure that duplicate importer of record numbers are not issued.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the importer of record program established under subsection (a).

(d) NUMBER DEFINED.—In this subsection, the term ''number'', with respect to an importer of record, means a filing identification number described in section 24.5 of title 19, Code of Federal Regulations (or any corresponding similar regulation) that fully supports the requirements of subsection (b) with respect to the collection and maintenance of information.

SEC. 115. ESTABLISHMENT OF NEW IMPORTER PROGRAM.

(a) IN GENERAL.—Not later than the date that is 180 days after the date of the enactment of this Act, the Commissioner shall establish a new importer program that directs U.S. Customs and Border Protection to adjust bond amounts for new importers based on the level of risk assessed by U.S. Customs and Border Protection for protection of revenue of the Federal Government.

(b) REQUIREMENTS.—The Commissioner shall ensure that, as part of the new importer program established under subsection (a), U.S. Customs and Border Protection—

(1) develops risk-based criteria for determining which importers are considered to be new importers for the purposes of this subsection;

(2) develops risk assessment guidelines for new importers to determine if and to what extent—

(A) to adjust bond amounts of imported products of new importers; and

(B) to increase screening of imported products of new importers;

(3) develops procedures to ensure increased oversight of imported products of new importers relating to the enforcement of the priority trade issues described in paragraph (3)(B)(ii) of section 2(d) of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072(d)), as added by section 111(a) of this Act;

(4) develops procedures to ensure increased oversight of imported products of new importers by Centers of Excellence and Expertise established under section 110 of this Act; and

(5) establishes a centralized database of new importers to ensure accuracy of information that is required to be provided by new importers to U.S. Customs and Border Protection.

TITLE II—IMPORT HEALTH AND SAFETY

SEC. 201. INTERAGENCY IMPORT SAFETY WORKING GROUP.

(a) ESTABLISHMENT.—There is established an interagency Import Safety Working Group.

(b) MEMBERSHIP.—The interagency Import Safety Working Group shall consist of the following officials or their designees:

(1) The Secretary of Homeland Security, who shall serve as the Chair.

(2) The Secretary of Health and Human Services, who shall serve as the Vice Chair.

(3) The Secretary of the Treasury.

(4) The Secretary of Commerce.

(5) The Secretary of Agriculture.

(6) The United States Trade Representative.

(7) The Director of the Office of Management and Budget.

(8) The Commissioner of Food and Drugs.

(9) The Commissioner responsible for U.S. Customs and Border Protection.

(10) The Chairman of the Consumer Product Safety Commission.

(11) The Director of U.S. Immigration and Customs Enforcement.

(12) The head of any other Federal agency designated by the President to participate in the interagency Import Safety Working Group, as appropriate.

(c) DUTIES.—The duties of the interagency Import Safety Working Group shall include—

(1) consulting on the development of the joint import safety rapid response plan required by section 202 of this Act;

(2) periodically evaluating the adequacy of the plans, practices, and resources of the Federal Government dedicated to ensuring the safety of merchandise imported in the United States and the expeditious entry of such merchandise, including—

(A) minimizing the duplication of efforts among agencies the heads of which are members of the interagency Import Safety Working Group and ensuring the compatibility of the policies and regulations of those agencies; and

(B) recommending additional administrative actions, as appropriate, designed to ensure the safety of merchandise imported into the United States and the expeditious entry of such merchandise and considering the impact of those actions on private sector entities;

(3) reviewing the engagement and cooperation of foreign governments and foreign manufacturers in facilitating the inspection and certification, as appropriate, of such merchandise to be imported into the United States and the facilities producing such merchandise to ensure the safety of the merchandise and the expeditious entry of the merchandise into the United States;

(4) identifying best practices, in consultation with private sector entities as appropriate, to assist United States importers in taking all appropriate steps to ensure the safety of merchandise imported into the United States, including with respect to—

(A) the inspection of manufacturing facilities in foreign countries;

(B) the inspection of merchandise destined for the United States before exportation from a foreign country or before distribution in the United States; and

(C) the protection of the international supply chain (as defined in section 2 of the Security and Accountability For Every Port Act of 2006 (6 U.S.C. 901));

(5) identifying best practices to assist Federal, State, and local governments and agencies, and port authorities, to improve communication and coordination among such agencies and authorities with respect to ensuring the safety of merchandise imported into the United States and the expeditious entry of such merchandise; and

(6) otherwise identifying appropriate steps to increase the accountability of United States importers and the engagement of foreign government agencies with respect to ensuring the safety of merchandise imported into the United States and the expeditious entry of such merchandise.

SEC. 202. JOINT IMPORT SAFETY RAPID RESPONSE PLAN.

(a) IN GENERAL.—Not later than December 31, 2016, the Secretary of Homeland Security, in consultation with the interagency Import Safety Working Group, shall develop a plan (to be known as the ''joint import safety rapid response plan'') that sets forth protocols and defines practices for U.S. Customs and Border Protection to use—

(1) in taking action in response to, and coordinating Federal responses to, an incident in which cargo destined for or merchandise entering the United States has been identified as posing a threat to the health or safety of consumers in the United States; and

(2) in recovering from or mitigating the effects of actions and responses to an incident described in paragraph (1).

(b) CONTENTS.—The joint import safety rapid response plan shall address—

(1) the statutory and regulatory authorities and responsibilities of U.S. Customs and Border Protection and other Federal agencies in responding to an incident described in subsection (a)(1);

(2) the protocols and practices to be used by U.S. Customs and Border Protection when taking action in response to, and coordinating Federal responses to, such an incident;

(3) the measures to be taken by U.S. Customs and Border Protection and other Federal agencies in recovering from or mitigating the effects of actions taken in response to such an incident after the incident to ensure the resumption of the entry of merchandise into the United States; and

(4) exercises that U.S. Customs and Border Protection may conduct in conjunction with Federal, State, and local agencies, and private sector entities, to simulate responses to such an incident.

(c) UPDATES OF PLAN.—The Secretary of Homeland Security shall review and update the joint import safety rapid response plan, as appropriate, after conducting exercises under subsection (d).

(d) IMPORT HEALTH AND SAFETY EXERCISES.—

(1) IN GENERAL.—The Secretary of Homeland Security and the Commissioner shall periodically engage in the exercises referred to in subsection (b)(4), in conjunction with Federal, State, and local agencies and private sector entities, as appropriate, to test and evaluate the protocols and practices identified in the joint import safety rapid response plan at United States ports of entry.

(2) REQUIREMENTS FOR EXERCISES.—In conducting exercises under paragraph (1), the Secretary and the Commissioner shall—

(A) make allowance for the resources, needs, and constraints of United States ports of entry of different sizes in representative geographic locations across the United States;

(B) base evaluations on current risk assessments of merchandise entering the United States at representative United States ports of entry located across the United States;

(C) ensure that such exercises are conducted in a manner consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidelines, the Maritime Transportation System Security Plan, and other such national initiatives of the Department of Homeland Security, as appropriate; and

(D) develop metrics with respect to the resumption of the entry of merchandise into the United States after an incident described in subsection (a)(1).

(3) REQUIREMENTS FOR TESTING AND EVALUATION.—The Secretary and the Commissioner shall ensure that the testing and evaluation carried out in conducting exercises under paragraph (1)—

(A) are performed using clear and objective performance measures; and

(B) result in the identification of specific recommendations or best practices for responding to an incident described in subsection (a)(1).

(4) DISSEMINATION OF RECOMMENDATIONS AND BEST PRACTICES.—The Secretary and the Commissioner shall—

(A) share the recommendations or best practices identified under paragraph (3)(B) among the members of the interagency Import Safety Working Group and with, as appropriate—

(i) State, local, and tribal governments;

(ii) foreign governments; and

(iii) private sector entities; and

(B) use such recommendations and best practices to update the joint import safety rapid response plan.

SEC. 203. TRAINING.

The Commissioner shall ensure that personnel of U.S. Customs and Border Protection assigned to United States ports of entry are trained to effectively administer the provisions of this title and to otherwise assist in ensuring the safety of merchandise imported into the United States and the expeditious entry of such merchandise.

TITLE III—IMPORT-RELATED PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

SEC. 301. DEFINITION OF INTELLECTUAL PROPERTY RIGHTS.

In this title, the term ''intellectual property rights'' refers to copyrights, trademarks, and other forms of intellectual property rights that are enforced by U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement.

SEC. 302. EXCHANGE OF INFORMATION RELATED TO TRADE ENFORCEMENT.

(a) IN GENERAL.—The Tariff Act of 1930 is amended by inserting after section 628 (19 U.S.C. 1628) the following new section:

''SEC. 628A. EXCHANGE OF INFORMATION RELATED TO TRADE ENFORCEMENT.

''(a) IN GENERAL.—Subject to subsections (c) and (d), if the Commissioner responsible for U.S. Customs and Border Protection suspects that merchandise is being imported into the United States in violation of section 526 of this Act or section 602, 1201(a)(2), or 1201(b)(1) of title 17, United States Code, and determines that the examination or testing of the merchandise by a person described in subsection (b) would assist the Commissioner in determining if the merchandise is being imported in violation of that section, the Commissioner, to permit the person to conduct the examination and testing—

''(1) shall provide to the person information that appears on the merchandise and its packaging and labels, including unredacted images of the merchandise and its packaging and labels; and

''(2) may, subject to any applicable bonding requirements, provide to the person unredacted samples of the merchandise.

''(b) PERSON DESCRIBED.—A person described in this subsection is—

''(1) in the case of merchandise suspected of being imported in violation of section 526, the owner of the trademark suspected of being copied or simulated by the merchandise;

''(2) in the case of merchandise suspected of being imported in violation of section 602 of title 17, United States Code, the owner of the copyright suspected of being infringed by the merchandise;

''(3) in the case of merchandise suspected of being primarily designed or produced for the purpose of circumventing a technological measure that effectively controls access to a work protected under that title, and being imported in violation of section 1201(a)(2) of that title, the owner of a copyright in the work; and

''(4) in the case of merchandise suspected of being primarily designed or produced for the purpose of circumventing protection afforded by a technological measure that effectively protects a right of an owner of a copyright in a work or a portion of a work, and being imported in violation of section 1201(b)(1) of that title, the owner of the copyright.

''(c) LIMITATION.—Subsection (a) applies only with respect to merchandise suspected of infringing a trademark or copyright that is recorded with U.S. Customs and Border Protection.

''(d) EXCEPTION.—The Commissioner may not provide under subsection (a) information, photographs, or samples to a person described in subsection (b) if providing such information, photographs, or samples would compromise an ongoing law enforcement investigation or national security.''.

(b) TERMINATION OF PREVIOUS AUTHORITY.—Notwithstanding paragraph (2) of section 818(g) of Public Law 112–81 (125 Stat. 1496), paragraph (1) of that section shall have no force or effect on or after the date of the enactment of this Act.

SEC. 303. SEIZURE OF CIRCUMVENTION DEVICES.

(a) IN GENERAL.—Section 596(c)(2) of the Tariff Act of 1930 (19 U.S.C. 1595a(c)(2)) is amended—

(1) in subparagraph (E), by striking ''or'';

(2) in subparagraph (F), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(G) U.S. Customs and Border Protection determines it is a technology, product, service, device, component, or part thereof the importation of which is prohibited under subsection (a)(2) or (b)(1) of section 1201 of title 17, United States Code.''.

(b) NOTIFICATION OF PERSONS INJURED.—

(1) IN GENERAL.—Not later than the date that is 30 business days after seizing merchandise pursuant to subparagraph (G) of section 596(c)(2) of the Tariff Act of 1930, as added by subsection (a), the Commissioner shall provide to any person identified under paragraph (2) information regarding the merchandise seized that is equivalent to information provided to copyright owners under regulations of U.S. Customs and Border Protection for merchandise seized for violation of the copyright laws.

(2) PERSONS TO BE PROVIDED INFORMATION.—Any person injured by the violation of (a)(2) or (b)(1) of section 1201 of title 17, United States Code, that resulted in the seizure of the merchandise shall be provided information under paragraph (1), if that person is included on a list maintained by the Commissioner that is revised annually through publication in the Federal Register.

(3) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations establishing procedures that implement this subsection.

SEC. 304. ENFORCEMENT BY U.S. CUSTOMS AND BORDER PROTECTION OF WORKS FOR WHICH COPYRIGHT REGISTRATION IS PENDING.

Not later than the date that is 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall authorize a process pursuant to which the Commissioner shall enforce a copyright for which the owner has submitted an application for registration under title 17, United States Code, with the United States Copyright Office, to the same extent and in the same manner as if the copyright were registered with the Copyright Office, including by sharing information, images, and samples of merchandise suspected of infringing the copyright under section 628A of the Tariff Act of 1930, as added by section 302.

SEC. 305. NATIONAL INTELLECTUAL PROPERTY RIGHTS COORDINATION CENTER.

(a) ESTABLISHMENT.—The Secretary of Homeland Security shall—

(1) establish within U.S. Immigration and Customs Enforcement a National Intellectual Property Rights Coordination Center; and

(2) appoint an Assistant Director to head the National Intellectual Property Rights Coordination Center.

(b) DUTIES.—The Assistant Director of the National Intellectual Property Rights Coordination Center shall—

(1) coordinate the investigation of sources of merchandise that infringe intellectual property rights to identify organizations and individuals that produce, smuggle, or distribute such merchandise;

(2) conduct and coordinate training with other domestic and international law enforcement agencies on investigative best practices—

(A) to develop and expand the capability of such agencies to enforce intellectual property rights; and

(B) to develop metrics to assess whether the training improved enforcement of intellectual property rights;

(3) coordinate, with U.S. Customs and Border Protection, activities conducted by the United States to prevent the importation or exportation of merchandise that infringes intellectual property rights;

(4) support the international interdiction of merchandise destined for the United States that infringes intellectual property rights;

(5) collect and integrate information regarding infringement of intellectual property rights from domestic and international law enforcement agencies and other non-Federal sources;

(6) develop a means to receive and organize information regarding infringement of intellectual property rights from such agencies and other sources;

(7) disseminate information regarding infringement of intellectual property rights to other Federal agencies, as appropriate;

(8) develop and implement risk-based alert systems, in coordination with U.S. Customs and Border Protection, to improve the targeting of persons that repeatedly infringe intellectual property rights;

(9) coordinate with the offices of United States attorneys in order to develop expertise in, and assist with the investigation and prosecution of, crimes relating to the infringement of intellectual property rights; and

(10) carry out such other duties as the Secretary of Homeland Security may assign.

(c) COORDINATION WITH OTHER AGENCIES.—In carrying out the duties described in subsection (b), the Assistant Director of the National Intellectual Property Rights Coordination Center shall coordinate with—

(1) U.S. Customs and Border Protection;

(2) the Food and Drug Administration;

(3) the Department of Justice;

(4) the Department of Commerce, including the United States Patent and Trademark Office;

(5) the United States Postal Inspection Service;

(6) the Office of the United States Trade Representative;

(7) any Federal, State, local, or international law enforcement agencies that the Director of U.S. Immigration and Customs Enforcement considers appropriate; and

(8) any other entities that the Director considers appropriate.

(d) PRIVATE SECTOR OUTREACH.—

(1) IN GENERAL.—The Assistant Director of the National Intellectual Property Rights Coordination Center shall work with U.S. Customs and Border Protection and other Federal agencies to conduct outreach to private sector entities in order to determine trends in and methods of infringing intellectual property rights.

(2) INFORMATION SHARING.—The Assistant Director shall share information and best practices with respect to the enforcement of intellectual property rights with private sector entities, as appropriate, in order to coordinate public and private sector efforts to combat the infringement of intellectual property rights.

SEC. 306. JOINT STRATEGIC PLAN FOR THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS.

The Commissioner and the Director of U.S. Immigration and Customs Enforcement shall include in the joint strategic plan required by section 105 of this Act—

(1) a description of the efforts of the Department of Homeland Security to enforce intellectual property rights;

(2) a list of the 10 United States ports of entry at which U.S. Customs and Border Protection has seized the most merchandise, both by volume and by value, that infringes intellectual property rights during the most recent 2-year period for which data are available; and

(3) a recommendation for the optimal allocation of personnel, resources, and technology to ensure that U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement are adequately enforcing intellectual property rights.

SEC. 307. PERSONNEL DEDICATED TO THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS.

(a) PERSONNEL OF U.S. CUSTOMS AND BORDER PROTECTION.—The Commissioner and the Director of U.S. Immigration and Customs Enforcement shall ensure that sufficient personnel are assigned throughout U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, respectively, who have responsibility for preventing the importation into the United States of merchandise that infringes intellectual property rights.

(b) STAFFING OF NATIONAL INTELLECTUAL PROPERTY RIGHTS COORDINATION CENTER.—The Commissioner shall—

(1) assign not fewer than 3 full-time employees of U.S. Customs and Border Protection to the National Intellectual Property Rights Coordination Center established under section 305 of this Act; and

(2) ensure that sufficient personnel are assigned to United States ports of entry to carry out the directives of the Center.

SEC. 308. TRAINING WITH RESPECT TO THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS.

(a) TRAINING.—The Commissioner shall ensure that officers of U.S. Customs and Border Protection are trained to effectively detect and identify merchandise destined for the United States that infringes intellectual property rights, including through the use of technologies identified under subsection (c).

(b) CONSULTATION WITH PRIVATE SECTOR.—The Commissioner shall consult with private sector entities to better identify opportunities for collaboration between U.S. Customs and Border Protection and such entities with respect to training for officers of U.S. Customs and Border Protection in enforcing intellectual property rights.

(c) IDENTIFICATION OF NEW TECHNOLOGIES.—In consultation with private sector entities, the Commissioner shall identify—

(1) technologies with the cost-effective capability to detect and identify merchandise at United States ports of entry that infringes intellectual property rights; and

(2) cost-effective programs for training officers of U.S. Customs and Border Protection to use such technologies.

(d) DONATIONS OF TECHNOLOGY.—Not later than the date that is 180 days after the date of the enactment of this Act, the Commissioner shall prescribe regulations to enable U.S. Customs and Border Protection to receive donations of hardware, software, equipment, and similar technologies, and to accept training and other support services, from private sector entities, for the purpose of enforcing intellectual property rights.

SEC. 309. INTERNATIONAL COOPERATION AND INFORMATION SHARING.

(a) COOPERATION.—The Secretary of Homeland Security shall coordinate with the competent law enforcement and customs authorities of foreign countries, including by sharing information relevant to enforcement actions, to enhance the efforts of the United States and such authorities to enforce intellectual property rights.

(b) TECHNICAL ASSISTANCE.—The Secretary of Homeland Security shall provide technical assistance to competent law enforcement and customs authorities of foreign countries to enhance the ability of such authorities to enforce intellectual property rights.

(c) INTERAGENCY COLLABORATION.—The Commissioner and the Director of U.S. Immigration and Customs Enforcement shall lead interagency efforts to collaborate with law enforcement and customs authorities of foreign countries to enforce intellectual property rights.

SEC. 310. REPORT ON INTELLECTUAL PROPERTY RIGHTS ENFORCEMENT.

Not later than June 30, 2016, and annually thereafter, the Commissioner and the Director of U.S. Immigration and Customs Enforcement shall jointly submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that contains the following:

(1) With respect to the enforcement of intellectual property rights, the following:

(A) The number of referrals from U.S. Customs and Border Protection to U.S. Immigration and Customs Enforcement relating to infringement of intellectual property rights during the preceding year.

(B) The number of investigations relating to the infringement of intellectual property rights referred by U.S. Immigration and Customs Enforcement to a United States attorney for prosecution and the United States attorneys to which those investigations were referred.

(C) The number of such investigations accepted by each such United States attorney and the status or outcome of each such investigation.

(D) The number of such investigations that resulted in the imposition of civil or criminal penalties.

(E) A description of the efforts of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to improve the success rates of investigations and prosecutions relating to the infringement of intellectual property rights.

(2) An estimate of the average time required by the Office of International Trade of U.S. Customs and Border Protection to respond to a request from port personnel for advice with respect to whether merchandise detained by U.S. Customs and Border Protection infringed intellectual property rights, distinguished by types of intellectual property rights infringed.

(3) A summary of the outreach efforts of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement with respect to—

(A) the interdiction and investigation of, and the sharing of information between those agencies and other Federal agencies to prevent the infringement of intellectual property rights;

(B) collaboration with private sector entities—

(i) to identify trends in the infringement of, and technologies that infringe, intellectual property rights;

(ii) to identify opportunities for enhanced training of officers of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement; and

(iii) to develop best practices to enforce intellectual property rights; and

(C) coordination with foreign governments and international organizations with respect to the enforcement of intellectual property rights.

(4) A summary of the efforts of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to address the challenges with respect to the enforcement of intellectual property rights presented by Internet commerce and the transit of small packages and an identification of the volume, value, and type of merchandise seized for infringing intellectual property rights as a result of such efforts.

(5) A summary of training relating to the enforcement of intellectual property rights conducted under section 308 of this Act and expenditures for such training.

SEC. 311. INFORMATION FOR TRAVELERS REGARDING VIOLATIONS OF INTELLECTUAL PROPERTY RIGHTS.

(a) IN GENERAL.—The Secretary of Homeland Security shall develop and carry out an educational campaign to inform travelers entering or leaving the United States about the legal, economic, and public health and safety implications of acquiring merchandise that infringes intellectual property rights outside the United States and importing such merchandise into the United States in violation of United States law.

(b) DECLARATION FORMS.—The Commissioner shall ensure that all versions of Declaration Form 6059B of U.S. Customs and Border Protection, or a successor form, including any electronic equivalent of Declaration Form 6059B or a successor form, printed or displayed on or after the date that is 30 days after the date of the enactment of this Act include a written warning to inform travelers arriving in the United States that importation of merchandise into the United States that infringes intellectual property rights may subject travelers to civil or criminal penalties and may pose serious risks to safety or health.

TITLE IV—EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Enforcing Orders and Reducing Customs Evasion Act of 2015''.

SEC. 402. PROCEDURES FOR INVESTIGATING CLAIMS OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

(a) IN GENERAL.—The Tariff Act of 1930 is amended by inserting after section 516A (19 U.S.C. 1516a) the following:

''SEC. 517. PROCEDURES FOR INVESTIGATING CLAIMS OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTERING AUTHORITY.—The term 'administering authority' has the meaning given that term in section 771(1).

''(2) COMMISSIONER.—The term 'Commissioner' means the Commissioner responsible for U.S. Customs and Border Protection, acting pursuant to the delegation by the Secretary of the Treasury of the authority of the Secretary with respect to customs revenue functions (as defined in section 415 of the Homeland Security Act of 2002 (6 U.S.C. 215)).

''(3) COVERED MERCHANDISE.—The term 'covered merchandise' means merchandise that is subject to—

''(A) an antidumping duty order issued under section 736;

''(B) a finding issued under the Antidumping Act, 1921; or

''(C) a countervailing duty order issued under section 706.

''(4) ENTER; ENTRY.—The terms 'enter' and 'entry' refer to the entry, or withdrawal from warehouse for consumption, of merchandise in the customs territory of the United States.

''(5) EVASION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'evasion' refers to entering covered merchandise into the customs territory of the United States by means of any document or electronically transmitted data or information, written or oral statement, or act that is material and false, or any omission that is material, and that results in any cash deposit or other security or any amount of applicable antidumping or countervailing duties being reduced or not being applied with respect to the merchandise.

''(B) EXCEPTION FOR CLERICAL ERROR.—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'evasion' does not include entering covered merchandise into the customs territory of the United States by means of—

''(I) a document or electronically transmitted data or information, written or oral statement, or act that is false as a result of a clerical error; or

''(II) an omission that results from a clerical error.

''(ii) PATTERNS OF NEGLIGENT CONDUCT.—If the Commissioner determines that a person has entered covered merchandise into the customs territory of the United States by means of a clerical error referred to in subclause (I) or (II) of clause (i) and that the clerical error is part of a pattern of negligent conduct on the part of that person, the Commissioner may determine, notwithstanding clause (i), that the person has entered such covered merchandise into the customs territory of the United States through evasion.

''(iii) ELECTRONIC REPETITION OF ERRORS.—For purposes of clause (ii), the mere nonintentional repetition by an electronic system of an initial clerical error does not constitute a pattern of negligent conduct.

''(iv) RULE OF CONSTRUCTION.—A determination by the Commissioner that a person has entered covered merchandise into the customs territory of the United States by means of a clerical error referred to in subclause (I) or (II) of clause (i) rather than through evasion shall not be construed to excuse that person from the payment of any duties applicable to the merchandise.

''(6) INTERESTED PARTY.—

''(A) IN GENERAL.—The term 'interested party' means—

''(i) a manufacturer, producer, or wholesaler in the United States of a domestic like product;

''(ii) a certified union or recognized union or group of workers that is representative of an industry engaged in the manufacture, production, or wholesale in the United States of a domestic like product;

''(iii) a trade or business association a majority of whose members manufacture, produce, or wholesale a domestic like product in the United States;

''(iv) an association, a majority of whose members is composed of interested parties described in clause (i), (ii), or (iii) with respect to a domestic like product; and

''(v) if the covered merchandise is a processed agricultural product, as defined in section 771(4)(E), a coalition or trade association that is representative of either—

''(I) processors;

''(II) processors and producers; or

''(III) processors and growers,

but this clause shall cease to have effect if the United States Trade Representative notifies the administering authority and the Commission that the application of this clause is inconsistent with the international obligations of the United States.

''(B) DOMESTIC LIKE PRODUCT.—For purposes of subparagraph (A), the term 'domestic like product' means a product that is like, or in the absence of like, most similar in characteristics and uses with, covered merchandise.

''(b) INVESTIGATIONS.—

''(1) IN GENERAL.—Not later than 10 business days after receiving an allegation described in paragraph (2) or a referral described in paragraph (3), the Commissioner shall initiate an investigation if the Commissioner determines that the information provided in the allegation or the referral, as the case may be, reasonably suggests that covered merchandise has been entered into the customs territory of the United States through evasion.

''(2) ALLEGATION DESCRIBED.—An allegation described in this paragraph is an allegation that a person has entered covered merchandise into the customs territory of the United States through evasion that is—

''(A) filed with the Commissioner by an interested party; and

''(B) accompanied by information reasonably available to the party that filed the allegation.

''(3) REFERRAL DESCRIBED.—A referral described in this paragraph is information submitted to the Commissioner by any other Federal agency, including the Department of Commerce or the United States International Trade Commission, that reasonably suggests that a person has entered covered merchandise into the customs territory of the United States through evasion.

''(4) CONSOLIDATION OF ALLEGATIONS AND REFERRALS.—

''(A) IN GENERAL.—The Commissioner may consolidate multiple allegations described in paragraph (2) and referrals described in paragraph (3) into a single investigation if the Commissioner determines it is appropriate to do so.

''(B) EFFECT ON TIMING REQUIREMENTS.—If the Commissioner consolidates multiple allegations or referrals into a single investigation under subparagraph (A), the date on which the Commissioner receives the first such allegation or referral shall be used for purposes of the requirement under paragraph (1) with respect to the timing of the initiation of the investigation.

''(5) INFORMATION-SHARING TO PROTECT HEALTH AND SAFETY.—If, during the course of conducting an investigation under paragraph (1) with respect to covered merchandise, the Commissioner has reason to suspect that such covered merchandise may pose a health or safety risk to consumers, the Commissioner shall provide, as appropriate, information to the appropriate Federal agencies for purposes of mitigating the risk.

''(6) TECHNICAL ASSISTANCE AND ADVICE.—

''(A) IN GENERAL.—Upon request, the Commissioner shall provide technical assistance and advice to eligible small businesses to enable such businesses to prepare and submit allegations described in paragraph (2), except that the Commissioner may deny assistance if the Commissioner concludes that the allegation, if submitted, would not lead to the initiation of an investigation under this subsection or any other action to address the allegation.

''(B) ELIGIBLE SMALL BUSINESS DEFINED.—

''(i) IN GENERAL.—In this paragraph, the term 'eligible small business' means any business concern that the Commissioner determines, due to its small size, has neither adequate internal resources nor the financial ability to obtain qualified outside assistance in preparing and filing allegations described in paragraph (2).

''(ii) NON-REVIEWABILITY.—The determination of the Commissioner regarding whether a business concern is an eligible small business for purposes of this paragraph is not reviewable by any other agency or by any court.

''(c) DETERMINATIONS.—

''(1) IN GENERAL.—Not later than 270 calendar days after the date on which the Commissioner initiates an investigation under subsection (b) with respect to covered merchandise, the Commissioner shall make a determination, based on substantial evidence, with respect to whether such covered merchandise was entered into the customs territory of the United States through evasion.

''(2) AUTHORITY TO COLLECT AND VERIFY ADDITIONAL INFORMATION.—In making a determination under paragraph (1) with respect to covered merchandise, the Commissioner may collect such additional information as is necessary to make the determination through such methods as the Commissioner considers appropriate, including by—

''(A) issuing a questionnaire with respect to such covered merchandise to—

''(i) an interested party that filed an allegation under paragraph (2) of subsection (b) that resulted in the initiation of an investigation under paragraph (1) of that subsection with respect to such covered merchandise;

''(ii) a person alleged to have entered such covered merchandise into the customs territory of the United States through evasion;

''(iii) a person that is a foreign producer or exporter of such covered merchandise; or

''(iv) the government of a country from which such covered merchandise was exported; and

''(B) conducting verifications, including on-site verifications, of any relevant information.

''(3) ADVERSE INFERENCE.—If the Commissioner finds that a party or person described in clause (i), (ii), or (iii) of paragraph (2)(A) has failed to cooperate by not acting to the best of the party or person's ability to comply with a request for information, the Commissioner may, in making a determination under paragraph (1), use an inference that is adverse to the interests of that party or person in selecting from among the facts otherwise available to make the determination.

''(4) NOTIFICATION.—Not later than 5 business days after making a determination under paragraph (1) with respect to covered merchandise, the Commissioner—

''(A) shall provide to each interested party that filed an allegation under paragraph (2) of subsection (b) that resulted in the initiation of an investigation under paragraph (1) of that subsection with respect to such covered merchandise a notification of the determination and may, in addition, include an explanation of the basis for the determination; and

''(B) may provide to importers, in such manner as the Commissioner determines appropriate, information discovered in the investigation that the Commissioner determines will help educate importers with respect to importing merchandise into the customs territory of the United States in accordance with all applicable laws and regulations.

''(d) EFFECT OF DETERMINATIONS.—

''(1) IN GENERAL.—If the Commissioner makes a determination under subsection (c) that covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall—

''(A)(i) suspend the liquidation of unliquidated entries of such covered merchandise that are subject to the determination and that enter on or after the date of the initiation of the investigation under subsection (b) with respect to such covered merchandise and on or before the date of the determination; or

''(ii) if the Commissioner has already suspended the liquidation of such entries pursuant to subsection (e)(1), continue to suspend the liquidation of such entries;

''(B) pursuant to the Commissioner's authority under section 504(b)—

''(i) extend the period for liquidating unliquidated entries of such covered merchandise that are subject to the determination and that entered before the date of the initiation of the investigation; or

''(ii) if the Commissioner has already extended the period for liquidating such entries pursuant to subsection (e)(1), continue to extend the period for liquidating such entries;

''(C) notify the administering authority of the determination and request that the administering authority—

''(i) identify the applicable antidumping or countervailing duty assessment rates for entries described in subparagraphs (A) and (B); or

''(ii) if no such assessment rate for such an entry is available at the time, identify the applicable cash deposit rate to be applied to the entry, with the applicable antidumping or countervailing duty assessment rate to be provided as soon as that rate becomes available;

''(D) require the posting of cash deposits and assess duties on entries described in subparagraphs (A) and (B) in accordance with the instructions received from the administering authority under paragraph (2); and

''(E) take such additional enforcement measures as the Commissioner determines appropriate, such as—

''(i) initiating proceedings under section 592 or 596;

''(ii) implementing, in consultation with the relevant Federal agencies, rule sets or modifications to rules sets for identifying, particularly through the Automated Targeting System and the Automated Commercial Environment authorized under section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)), importers, other parties, and merchandise that may be associated with evasion;

''(iii) requiring, with respect to merchandise for which the importer has repeatedly provided incomplete or erroneous entry summary information in connection with determinations of evasion, the importer to deposit estimated duties at the time of entry; and

''(iv) referring the record in whole or in part to U.S. Immigration and Customs Enforcement for civil or criminal investigation.

''(2) COOPERATION OF ADMINISTERING AUTHORITY.—

''(A) IN GENERAL.—Upon receiving a notification from the Commissioner under paragraph (1)(C), the administering authority shall promptly provide to the Commissioner the applicable cash deposit rates and antidumping or countervailing duty assessment rates and any necessary liquidation instructions.

''(B) SPECIAL RULE FOR CASES IN WHICH THE PRODUCER OR EXPORTER IS UNKNOWN.—If the Commissioner and the administering authority are unable to determine the producer or exporter of the merchandise with respect to which a notification is made under paragraph (1)(C), the administering authority shall identify, as the applicable cash deposit rate or antidumping or countervailing duty assessment rate, the cash deposit or duty (as the case may be) in the highest amount applicable to any producer or exporter, including the 'all-others' rate of the merchandise subject to an antidumping order or countervailing duty order under section 736 or 706, respectively, or a finding issued under the Antidumping Act, 1921, or any administrative review conducted under section 751.

''(e) INTERIM MEASURES.—Not later than 90 calendar days after initiating an investigation under subsection (b) with respect to covered merchandise, the Commissioner shall decide based on the investigation if there is a reasonable suspicion that such covered merchandise was entered into the customs territory of the United States through evasion and, if the Commissioner decides there is such a reasonable suspicion, the Commissioner shall—

''(1) suspend the liquidation of each unliquidated entry of such covered merchandise that entered on or after the date of the initiation of the investigation;

''(2) pursuant to the Commissioner's authority under section 504(b), extend the period for liquidating each unliquidated entry of such covered merchandise that entered before the date of the initiation of the investigation; and

''(3) pursuant to the Commissioner's authority under section 623, take such additional measures as the Commissioner determines necessary to protect the revenue of the United States, including requiring a single transaction bond or additional security or the posting of a cash deposit with respect to such covered merchandise.

''(f) ADMINISTRATIVE REVIEW.—

''(1) IN GENERAL.—Not later than 30 business days after the Commissioner makes a determination under subsection (c) with respect to whether covered merchandise was entered into the customs territory of the United States through evasion, a person determined to have entered such covered merchandise through evasion or an interested party that filed an allegation under paragraph (2) of subsection (b) that resulted in the initiation of an investigation under paragraph (1) of that subsection with respect to such covered merchandise may file an appeal with the Commissioner for de novo review of the determination.

''(2) TIMELINE FOR REVIEW.—Not later than 60 business days after an appeal of a determination is filed under paragraph (1), the Commissioner shall complete the review of the determination.

''(g) JUDICIAL REVIEW.—

''(1) IN GENERAL.—Not later than 30 business days after the Commissioner completes a review under subsection (f) of a determination under subsection (c) with respect to whether covered merchandise was entered into the customs territory of the United States through evasion, a person determined to have entered such covered merchandise through evasion or an interested party that filed an allegation under paragraph (2) of subsection (b) that resulted in the initiation of an investigation under paragraph (1) of that subsection with respect to such covered merchandise may commence a civil action in the United States Court of International Trade by filing concurrently a summons and complaint contesting any factual findings or legal conclusions upon which the determination is based.

''(2) STANDARD OF REVIEW.—In a civil action under this subsection, the court shall hold unlawful any determination, finding, or conclusion found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

''(h) RULE OF CONSTRUCTION WITH RESPECT TO OTHER CIVIL AND CRIMINAL PROCEEDINGS AND INVESTIGATIONS.—No determination under subsection (c) or action taken by the Commissioner pursuant to this section shall be construed to limit the authority to carry out, or the scope of, any other proceeding or investigation pursuant to any other provision of Federal or State law, including sections 592 and 596.''.

(b) CONFORMING AMENDMENT.—Section 1581(c) of title 28, United States Code, is amended by inserting ''or 517'' after ''516A''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act.

(d) REGULATIONS.—Not later than the date that is 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe such regulations as may be necessary to implement the amendments made by this section.

(e) APPLICATION TO CANADA AND MEXICO.—Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3438), the amendments made by this section shall apply with respect to goods from Canada and Mexico.

SEC. 403. ANNUAL REPORT ON PREVENTION AND INVESTIGATION OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

(a) IN GENERAL.—Not later than January 15 of each calendar year that begins on or after the date that is 270 days after the date of the enactment of this Act, the Commissioner, in consultation with the Secretary of Commerce and the Director of U.S. Immigration and Customs Enforcement, shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the efforts being taken to prevent and investigate the entry of covered merchandise into the customs territory of the United States through evasion.

(b) CONTENTS.—Each report required under subsection (a) shall include—

(1) for the calendar year preceding the submission of the report—

(A) a summary of the efforts of U.S. Customs and Border Protection to prevent and investigate the entry of covered merchandise into the customs territory of the United States through evasion;

(B) the number of allegations of evasion received under subsection (b) of section 517 of the Tariff Act of 1930, as added by section 402 of this Act, and the number of such allegations resulting in investigations by U.S. Customs and Border Protection or any other agency;

(C) a summary of investigations initiated under subsection (b) of such section 517, including—

(i) the number and nature of the investigations initiated, conducted, and completed; and

(ii) the resolution of each completed investigation;

(D) the number of investigations initiated under that subsection not completed during the time provided for making determinations under subsection (c) of such section 517 and an explanation for why the investigations could not be completed on time;

(E) the amount of additional duties that were determined to be owed as a result of such investigations, the amount of such duties that were collected, and, for any such duties not collected, a description of the reasons those duties were not collected;

(F) with respect to each such investigation that led to the imposition of a penalty, the amount of the penalty;

(G) an identification of the countries of origin of covered merchandise determined under subsection (c) of such section 517 to be entered into the customs territory of the United States through evasion;

(H) the amount of antidumping and countervailing duties collected as a result of any investigations or other actions by U.S. Customs and Border Protection or any other agency;

(I) a description of the allocation of personnel and other resources of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to prevent and investigate evasion, including any assessments conducted regarding the allocation of such personnel and resources; and

(J) a description of training conducted to increase expertise and effectiveness in the prevention and investigation of evasion; and

(2) a description of processes and procedures of U.S. Customs and Border Protection to prevent and investigate evasion, including—

(A) the specific guidelines, policies, and practices used by U.S. Customs and Border Protection to ensure that allegations of evasion are promptly evaluated and acted upon in a timely manner;

(B) an evaluation of the efficacy of those guidelines, policies, and practices;

(C) an identification of any changes since the last report required by this section, if any, that have materially improved or reduced the effectiveness of U.S. Customs and Border Protection in preventing and investigating evasion;

(D) a description of the development and implementation of policies for the application of single entry and continuous bonds for entries of covered merchandise to sufficiently protect the collection of antidumping and countervailing duties commensurate with the level of risk of not collecting those duties;

(E) a description of the processes and procedures for increased cooperation and information sharing with the Department of Commerce, U.S. Immigration and Customs Enforcement, and any other relevant Federal agencies to prevent and investigate evasion; and

(F) an identification of any recommended policy changes for other Federal agencies or legislative changes to improve the effectiveness of U.S. Customs and Border Protection in preventing and investigating evasion.

(c) PUBLIC SUMMARY.—The Commissioner shall make available to the public a summary of the report required by subsection (a) that includes, at a minimum—

(1) a description of the type of merchandise with respect to which investigations were initiated under subsection (b) of section 517 of the Tariff Act of 1930, as added by section 402 of this Act;

(2) the amount of additional duties determined to be owed as a result of such investigations and the amount of such duties that were collected;

(3) an identification of the countries of origin of covered merchandise determined under subsection (c) of such section 517 to be entered into the customs territory of the United States through evasion; and

(4) a description of the types of measures used by U.S. Customs and Border Protection to prevent and investigate evasion.

(d) DEFINITIONS.—In this section, the terms ''covered merchandise'' and ''evasion'' have the meanings given those terms in section 517(a) of the Tariff Act of 1930, as added by section 402 of this Act.

TITLE V—AMENDMENTS TO ANTIDUMPING AND COUNTERVAILING DUTY LAWS

SEC. 501. CONSEQUENCES OF FAILURE TO COOPERATE WITH A REQUEST FOR INFORMATION IN A PROCEEDING.

Section 776 of the Tariff Act of 1930 (19 U.S.C. 1677e) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and by moving such subparagraphs, as so redesignated, 2 ems to the right;

(B) by striking ''ADVERSE INFERENCES.—If'' and inserting the following: ''ADVERSE INFERENCES.—

''(1) IN GENERAL.—If'';

(C) by striking ''under this title, may use'' and inserting the following: ''under this title—

''(A) may use''; and

(D) by striking ''facts otherwise available. Such adverse inference may include'' and inserting the following: ''facts otherwise available; and

''(B) is not required to determine, or make any adjustments to, a countervailable subsidy rate or weighted average dumping margin based on any assumptions about information the interested party would have provided if the interested party had complied with the request for information.

''(2) POTENTIAL SOURCES OF INFORMATION FOR ADVERSE INFERENCES.—An adverse inference under paragraph (1)(A) may include'';

(2) in subsection (c)—

(A) by striking ''CORROBORATION OF SECONDARY INFORMATION.—When the'' and inserting the following: ''CORROBORATION OF SECONDARY INFORMATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), when the''; and

(B) by adding at the end the following:

''(2) EXCEPTION.—The administrative authority and the Commission shall not be required to corroborate any dumping margin or countervailing duty applied in a separate segment of the same proceeding.''; and

(3) by adding at the end the following:

''(d) SUBSIDY RATES AND DUMPING MARGINS IN ADVERSE INFERENCE DETERMINATIONS.—

''(1) IN GENERAL.—If the administering authority uses an inference that is adverse to the interests of a party under subsection (b)(1)(A) in selecting among the facts otherwise available, the administering authority may—

''(A) in the case of a countervailing duty proceeding—

''(i) use a countervailable subsidy rate applied for the same or similar program in a countervailing duty proceeding involving the same country, or

''(ii) if there is no same or similar program, use a countervailable subsidy rate for a subsidy program from a proceeding that the administering authority considers reasonable to use, and

''(B) in the case of an antidumping duty proceeding, use any dumping margin from any segment of the proceeding under the applicable antidumping order.

''(2) DISCRETION TO APPLY HIGHEST RATE.—In carrying out paragraph (1), the administering authority may apply any of the countervailable subsidy rates or dumping margins specified under that paragraph, including the highest such rate or margin, based on the evaluation by the administering authority of the situation that resulted in the administering authority using an adverse inference in selecting among the facts otherwise available.

''(3) NO OBLIGATION TO MAKE CERTAIN ESTIMATES OR ADDRESS CERTAIN CLAIMS.—If the administering authority uses an adverse inference under subsection (b)(1)(A) in selecting among the facts otherwise available, the administering authority is not required, for purposes of subsection (c) or for any other purpose—

''(A) to estimate what the countervailable subsidy rate or dumping margin would have been if the interested party found to have failed to cooperate under subsection (b)(1) had cooperated, or

''(B) to demonstrate that the countervailable subsidy rate or dumping margin used by the administering authority reflects an alleged commercial reality of the interested party.''.

SEC. 502. DEFINITION OF MATERIAL INJURY.

(a) EFFECT OF PROFITABILITY OF DOMESTIC INDUSTRIES.—Section 771(7) of the Tariff Act of 1930 (19 U.S.C. 1677(7)) is amended by adding at the end the following:

''(J) EFFECT OF PROFITABILITY.—The Commission shall not determine that there is no material injury or threat of material injury to an industry in the United States merely because that industry is profitable or because the performance of that industry has recently improved.''.

(b) EVALUATION OF IMPACT ON DOMESTIC INDUSTRY IN DETERMINATION OF MATERIAL INJURY.—Subclause (I) of section 771(7)(C)(iii) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(C)(iii)) is amended to read as follows:

''(I) actual and potential decline in output, sales, market share, gross profits, operating profits, net profits, ability to service debt, productivity, return on investments, return on assets, and utilization of capacity,''.

(c) CAPTIVE PRODUCTION.—Section 771(7)(C)(iv) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(C)(iv)) is amended—

(1) in subclause (I), by striking the comma and inserting '', and'';

(2) in subclause (II), by striking '', and'' and inserting a comma; and

(3) by striking subclause (III).

SEC. 503. PARTICULAR MARKET SITUATION.

(a) DEFINITION OF ORDINARY COURSE OF TRADE.—Section 771(15) of the Tariff Act of 1930 (19 U.S.C. 1677(15)) is amended by adding at the end the following:

''(C) Situations in which the administering authority determines that the particular market situation prevents a proper comparison with the export price or constructed export price.''.

(b) DEFINITION OF NORMAL VALUE.—Section 773(a)(1)(B)(ii)(III) of the Tariff Act of 1930 (19 U.S.C. 1677b(a)(1)(B)(ii)(III)) is amended by striking ''in such other country.''.

(c) DEFINITION OF CONSTRUCTED VALUE.—Section 773(e) of the Tariff Act of 1930 (19 U.S.C. 1677b(e)) is amended—

(1) in paragraph (1), by striking ''business'' and inserting ''trade''; and

(2) By striking the flush text at the end and inserting the following:

''For purposes of paragraph (1), if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology. For purposes of paragraph (1), the cost of materials shall be determined without regard to any internal tax in the exporting country imposed on such materials or their disposition that is remitted or refunded upon exportation of the subject merchandise produced from such materials.''.

SEC. 504. DISTORTION OF PRICES OR COSTS.

(a) INVESTIGATION OF BELOW-COST SALES.—Section 773(b)(2) of the Tariff Act of 1930 (19 U.S.C. 1677b(b)(2)) is amended by striking subparagraph (A) and inserting the following:

''(A) REASONABLE GROUNDS TO BELIEVE OR SUSPECT.—

''(i) REVIEW.—In a review conducted under section 751 involving a specific exporter, there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that are less than the cost of production of the product if the administering authority disregarded some or all of the exporter's sales pursuant to paragraph (1) in the investigation or, if a review has been completed, in the most recently completed review.

''(ii) REQUESTS FOR INFORMATION.—In an investigation initiated under section 732 or a review conducted under section 751, the administering authority shall request information necessary to calculate the constructed value and cost of production under subsections (e) and (f) to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the cost of production of the product.''.

(b) PRICES AND COSTS IN NONMARKET ECONOMIES.—Section 773(c) of the Tariff Act of 1930 (19 U.S.C. 1677b(c)) is amended by adding at the end the following:

''(5) DISCRETION TO DISREGARD CERTAIN PRICE OR COST VALUES.—In valuing the factors of production under paragraph (1) for the subject merchandise, the administering authority may disregard price or cost values without further investigation if the administering authority has determined that broadly available export subsidies existed or particular instances of subsidization occurred with respect to those price or cost values or if those price or cost values were subject to an antidumping order.''.

SEC. 505. REDUCTION IN BURDEN ON DEPARTMENT OF COMMERCE BY REDUCING THE NUMBER OF VOLUNTARY RESPONDENTS.

Section 782(a) of the Tariff Act of 1930 (19 U.S.C. 1677m(a)) is amended—

(1) in paragraph (1), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and by moving such clauses, as so redesignated, 2 ems to the right;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and by moving such subparagraphs, as so redesignated, 2 ems to the right;

(3) by striking ''INVESTIGATIONS AND REVIEWS.—In'' and inserting the following: ''INVESTIGATIONS AND REVIEWS.—

''(1) IN GENERAL.—In'';

(4) in paragraph (1), as designated by paragraph (3), by amending subparagraph (B), as redesignated by paragraph (2), to read as follows:

''(B) the number of exporters or producers subject to the investigation or review is not so large that any additional individual examination of such exporters or producers would be unduly burdensome to the administering authority and inhibit the timely completion of the investigation or review.''; and

(5) by adding at the end the following:

''(2) DETERMINATION OF UNDULY BURDENSOME.—In determining if an individual examination under paragraph (1)(B) would be unduly burdensome, the administering authority may consider the following:

''(A) The complexity of the issues or information presented in the proceeding, including questionnaires and any responses thereto.

''(B) Any prior experience of the administering authority in the same or similar proceeding.

''(C) The total number of investigations under subtitle A or B and reviews under section 751 being conducted by the administering authority as of the date of the determination.

''(D) Such other factors relating to the timely completion of each such investigation and review as the administering authority considers appropriate.''.

SEC. 506. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3438), the amendments made by this title shall apply with respect to goods from Canada and Mexico.

TITLE VI—ADDITIONAL TRADE ENFORCEMENT AND INTELLECTUAL PROPERTY RIGHTS PROTECTION

Subtitle A—Trade Enforcement

SEC. 601. TRADE ENFORCEMENT PRIORITIES.

(a) IN GENERAL.—Section 310 of the Trade Act of 1974 (19 U.S.C. 2420) is amended to read as follows:

''SEC. 310. TRADE ENFORCEMENT PRIORITIES.

''(a) TRADE ENFORCEMENT PRIORITIES, CONSULTATIONS, AND REPORT.—

''(1) TRADE ENFORCEMENT PRIORITIES CONSULTATIONS.—Not later than May 31 of each calendar year that begins after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the United States Trade Representative (in this section referred to as the 'Trade Representative') shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to the prioritization of acts, policies, or practices of foreign governments that raise concerns with respect to obligations under the WTO Agreements or any other trade agreement to which the United States is a party, or otherwise create or maintain barriers to United States goods, services, or investment.

''(2) IDENTIFICATION OF TRADE ENFORCEMENT PRIORITIES.—In identifying acts, policies, or practices of foreign governments as trade enforcement priorities under this subsection, the United States Trade Representative shall focus on those acts, policies, and practices the elimination of which is likely to have the most significant potential to increase United States economic growth, and take into account all relevant factors, including—

''(A) the economic significance of any potential inconsistency between an obligation assumed by a foreign government pursuant to a trade agreement to which both the foreign government and the United States are parties and the acts, policies, or practices of that government;

''(B) the impact of the acts, policies, or practices of a foreign government on maintaining and creating United States jobs and productive capacity;

''(C) the major barriers and trade distorting practices described in the most recent National Trade Estimate required under section 181(b);

''(D) the major barriers and trade distorting practices described in other relevant reports addressing international trade and investment barriers prepared by a Federal agency or congressional commission during the 12 months preceding the date of the most recent report under paragraph (3);

''(E) a foreign government's compliance with its obligations under any trade agreements to which both the foreign government and the United States are parties;

''(F) the implications of a foreign government's procurement plans and policies; and

''(G) the international competitive position and export potential of United States products and services.

''(3) REPORT ON TRADE ENFORCEMENT PRIORITIES AND ACTIONS TAKEN TO ADDRESS.—

''(A) IN GENERAL.—Not later than July 31 of each calendar year that begins after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the Trade Representative shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on acts, policies, or practices of foreign governments identified as trade enforcement priorities based on the consultations under paragraph (1) and the criteria set forth in paragraph (2).

''(B) REPORT IN SUBSEQUENT YEARS.—The Trade Representative shall include, when reporting under subparagraph (A) in any calendar year after the calendar year that begins after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, a description of actions taken to address any acts, policies, or practices of foreign governments identified as trade enforcement priorities under this subsection in the calendar year preceding that report and, as relevant, any year before that calendar year.

''(b) SEMIANNUAL ENFORCEMENT CONSULTATIONS.—

''(1) IN GENERAL.—At the same time as the reporting under subsection (a)(3), and not later than January 31 of each following year, the Trade Representative shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to the identification, prioritization, investigation, and resolution of acts, policies, or practices of foreign governments of concern with respect to obligations under the WTO Agreements or any other trade agreement to which the United States is a party, or that otherwise create or maintain trade barriers.

''(2) ACTS, POLICIES, OR PRACTICES OF CONCERN.—The semiannual enforcement consultations required by paragraph (1) shall address acts, policies, or practices of foreign governments that raise concerns with respect to obligations under the WTO Agreements or any other trade agreement to which the United States is a party, or otherwise create or maintain trade barriers, including—

''(A) engagement with relevant trading partners;

''(B) strategies for addressing such concerns;

''(C) availability and deployment of resources to be used in the investigation or resolution of such concerns;

''(D) the merits of any potential dispute resolution proceeding under the WTO Agreements or

any other trade agreement to which the United States is a party relating to such concerns; and

''(E) any other aspects of such concerns.

''(3) ACTIVE INVESTIGATIONS.—The semiannual enforcement consultations required by paragraph (1) shall address acts, policies, or practices that the Trade Representative is actively investigating with respect to obligations under the WTO Agreements or any other trade agreement to which the United States is a party, including—

''(A) strategies for addressing concerns raised by such acts, policies, or practices;

''(B) any relevant timeline with respect to investigation of such acts, policies, or practices;

''(C) the merits of any potential dispute resolution proceeding under the WTO Agreements or any other trade agreement to which the United States is a party with respect to such acts, policies, or practices;

''(D) barriers to the advancement of the investigation of such acts, policies, or practices; and

''(E) any other matters relating to the investigation of such acts, policies, or practices.

''(4) ONGOING ENFORCEMENT ACTIONS.—The semiannual enforcement consultations required by paragraph (1) shall address all ongoing enforcement actions taken by or against the United States with respect to obligations under the WTO Agreements or any other trade agreement to which the United States is a party, including—

''(A) any relevant timeline with respect to such actions;

''(B) the merits of such actions;

''(C) any prospective implementation actions;

''(D) potential implications for any law or regulation of the United States;

''(E) potential implications for United States stakeholders, domestic competitors, and exporters; and

''(F) other issues relating to such actions.

''(5) ENFORCEMENT RESOURCES.—The semiannual enforcement consultations required by paragraph (1) shall address the availability and deployment of enforcement resources, resource constraints on monitoring and enforcement activities, and strategies to address those constraints, including the use of available resources of other Federal agencies to enhance monitoring and enforcement capabilities.

''(c) INVESTIGATION AND RESOLUTION.—In the case of any acts, policies, or practices of a foreign government identified as a trade enforcement priority under subsection (a), the Trade Representative shall, not later than the date of the first semiannual enforcement consultations held under subsection (b) after the identification of the priority, take appropriate action to address that priority, including—

''(1) engagement with the foreign government to resolve concerns raised by such acts, policies, or practices;

''(2) initiation of an investigation under section 302(b)(1) with respect to such acts, policies, or practices;

''(3) initiation of negotiations for a bilateral agreement that provides for resolution of concerns raised by such acts, policies, or practices; or

''(4) initiation of dispute settlement proceedings under the WTO Agreements or any other trade agreement to which the United States is a party with respect to such acts, policies, or practices.

''(d) ENFORCEMENT NOTIFICATIONS AND CONSULTATION.—

''(1) INITIATION OF ENFORCEMENT ACTION.—The Trade Representative shall notify and consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives in advance of initiation of any formal trade dispute by or against the United States taken in regard to an obligation under the WTO Agreements or any other trade agreement to which the United States is a party. With respect to a formal trade dispute against the United States, if advance notification and consultation are not possible, the Trade Representative shall notify and consult at the earliest practicable opportunity after initiation of the dispute.

''(2) CIRCULATION OF REPORTS.—The Trade Representative shall notify and consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives in advance of the announced or anticipated circulation of any report of a dispute settlement panel or the Appellate Body of the World Trade Organization or of a dispute settlement panel under any other trade agreement to which the United States is a party with respect to a formal trade dispute by or against the United States.

''(e) DEFINITIONS.—In this section:

''(1) WTO.—The term 'WTO' means the World Trade Organization.

''(2) WTO AGREEMENT.—The term 'WTO Agreement' has the meaning given that term in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9)).

''(3) WTO AGREEMENTS.—The term 'WTO Agreements' means the WTO Agreement and agreements annexed to that Agreement.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by striking the item relating to section 310 and inserting the following:

''Sec. 310. Trade enforcement priorities.''.

SEC. 602. EXERCISE OF WTO AUTHORIZATION TO SUSPEND CONCESSIONS OR OTHER OBLIGATIONS UNDER TRADE AGREEMENTS.

(a) IN GENERAL.—Section 306 of the Trade Act of 1974 (19 U.S.C. 2416) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) EXERCISE OF WTO AUTHORIZATION TO SUSPEND CONCESSIONS OR OTHER OBLIGATIONS.—If—

''(1) action has terminated pursuant to section 307(c),

''(2) the petitioner or any representative of the domestic industry that would benefit from reinstatement of action has submitted to the Trade Representative a written request for reinstatement of action, and

''(3) the Trade Representative has completed the requirements of subsection (d) and section 307(c)(3),

the Trade Representative may at any time determine to take action under section 301(c) to exercise an authorization to suspend concessions or other obligations under Article 22 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (referred to in section 101(d)(16) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(16))).''.

(b) CONFORMING AMENDMENTS.—Chapter 1 of title III of the Trade Act of 1974 (19 U.S.C. 2411 et seq.) is amended—

(1) in section 301(c)(1) (19 U.S.C. 2411(c)(1)), in the matter preceding subparagraph (A), by inserting ''or section 306(c)'' after ''subsection (a) or (b)'';

(2) in section 306(b) (19 U.S.C. 2416(b)), in the subsection heading, by striking ''FURTHER ACTION'' and inserting ''ACTION ON THE BASIS OF MONITORING'';

(3) in section 306(d) (19 U.S.C. 2416(d)), as redesignated by subsection (a)(1), by inserting ''or (c)'' after ''subsection (b)''; and

(4) in section 307(c)(3) (19 U.S.C. 2417(c)(3)), by inserting ''or if a request is submitted to the Trade Representative under 306(c)(2) to reinstate action,'' after ''under section 301,''.

SEC. 603. TRADE MONITORING.

(a) IN GENERAL.—Chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.) is amended by adding at the end the following:

''SEC. 205. TRADE MONITORING.

''(a) MONITORING TOOL FOR IMPORTS.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the United States International Trade Commission shall make available on a website of the Commission an import monitoring tool to allow the public access to data on the volume and value of goods imported into the United States for the purpose of assessing whether such data has changed with respect to such goods over a period of time.

''(2) DATA DESCRIBED.—For purposes of the monitoring tool under paragraph (1), the Commission shall use data compiled by the Department of Commerce and such other government data as the Commission considers appropriate.

''(3) PERIODS OF TIME.—The Commission shall ensure that data accessed through the monitoring tool under paragraph (1) includes data for the most recent quarter for which such data are available and previous quarters as the Commission considers practicable.

''(b) MONITORING REPORTS.—

''(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this section, and not less frequently than quarterly thereafter, the Secretary of Commerce shall publish on a website of the Department of Commerce, and notify the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of the availability of, a monitoring report on changes in the volume and value of trade with respect to imports and exports of goods categorized based on the 6-digit subheading number of the goods under the Harmonized Tariff Schedule of the United States during the most recent quarter for which such data are available and previous quarters as the Secretary considers practicable.

''(2) REQUESTS FOR COMMENT.—Not later than one year after the date of the enactment of this section, the Secretary of Commerce shall solicit through the Federal Register public comment on the monitoring reports described in paragraph (1).

''(c) SUNSET.—The requirements under this section terminate on the date that is 7 years after the date of the enactment of this section.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by inserting after the item relating to section 204 the following:

''Sec. 205. Trade monitoring.''.

SEC. 604. ESTABLISHMENT OF INTERAGENCY TRADE ENFORCEMENT CENTER.

(a) IN GENERAL.—Chapter 4 of title I of the Trade Act of 1974 (19 U.S.C. 2171) is amended by adding at the end the following:

''SEC. 142. INTERAGENCY TRADE ENFORCEMENT CENTER.

''(a) ESTABLISHMENT OF CENTER.—There is established in the Office of the United States Trade Representative an Interagency Trade Enforcement Center (in this section referred to as the 'Center').

''(b) FUNCTIONS OF CENTER.—

''(1) IN GENERAL.—The Center shall—

''(A) serve as the primary forum within the Federal Government for the Office of the United States Trade Representative and other agencies to coordinate the enforcement of United States trade rights under international trade agreements and the enforcement of United States trade remedy laws;

''(B) coordinate among the Office of the United States Trade Representative and other agencies with responsibilities relating to trade the exchange of information related to potential violations of international trade agreements by foreign trading partners of the United States; and

''(C) conduct outreach to United States workers, businesses, and other interested persons to foster greater participation in the identification and reduction or elimination of foreign trade barriers and unfair foreign trade practices.

''(2) COORDINATION OF TRADE ENFORCEMENT.—

''(A) IN GENERAL.—The Center shall coordinate matters relating to the enforcement of United States trade rights under international

trade agreements and the enforcement of United States trade remedy laws among the Office of the United States Trade Representative and the following agencies:

''(i) The Department of State.

''(ii) The Department of the Treasury.

''(iii) The Department of Justice.

''(iv) The Department of Agriculture.

''(v) The Department of Commerce.

''(vi) The Department of Homeland Security.

''(vii) Such other agencies as the President, or the United States Trade Representative, may designate.

''(B) CONSULTATIONS ON INTELLECTUAL PROPERTY RIGHTS.—In matters relating to the enforcement of United States trade rights involving intellectual property rights, the Center shall consult with the Intellectual Property Enforcement Coordinator appointed pursuant to section 301 of the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (15 U.S.C. 8111).

''(c) PERSONNEL.—

''(1) DIRECTOR.—The head of the Center shall be the Director, who shall—

''(A) be appointed by the United States Trade Representative from among full-time senior-level officials of the Office of the United States Trade Representative; and

''(B) report to the Trade Representative.

''(2) DEPUTY DIRECTOR.—There shall be in the Center a Deputy Director, who shall—

''(A) be appointed by the Secretary of Commerce from among full-time senior-level officials of the Department of Commerce and detailed to the Center; and

''(B) report directly to the Director.

''(3) ADDITIONAL EMPLOYEES.—The agencies specified in subsection (b)(2)(A) may, in consultation with the Director, detail or assign their employees to the Center without reimbursement to support the functions of the Center.

''(d) ADMINISTRATION.—Funding and administrative support for the Center shall be provided by the Office of the United States Trade Representative.

''(e) ANNUAL REPORT.—Not later than one year after the date of the enactment of this section, and not less frequently than annually thereafter, the Director shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the actions taken by the Center in the preceding year with respect to the enforcement of United States trade rights under international trade agreements and the enforcement of United States trade remedy laws.

''(f) DEFINITIONS.—In this section:

''(1) UNITED STATES TRADE REMEDY LAWS.—The term 'United States trade remedy laws' means the following:

''(A) Chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

''(B) Chapter 1 of title III of that Act (19 U.S.C. 2411 et seq.).

''(C) Sections 406 and 421 of that Act (19 U.S.C. 2436 and 2451).

''(D) Sections 332 and 337 of the Tariff Act of 1930 (19 U.S.C. 1332 and 1337).

''(E) Investigations initiated by the administering authority (as defined in section 771 of that Act (19 U.S.C. 1677)) under title VII of that Act (19 U.S.C. 1671 et seq.).

''(F) Section 281 of the Uruguay Round Agreements Act (19 U.S.C. 3571).

''(2) UNITED STATES TRADE RIGHTS.—The term 'United States trade rights' means any right, benefit, or advantage to which the United States is entitled under an international trade agreement and that could be effectuated through the use of a dispute settlement proceeding.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 141 the following:

''Sec. 142. Interagency Trade Enforcement Center.''.

SEC. 605. ESTABLISHMENT OF CHIEF MANUFACTURING NEGOTIATOR.

(a) ESTABLISHMENT OF POSITION.—Section 141(b)(2) of the Trade Act of 1974 (19 U.S.C. 2171(b)(2)) is amended to read as follows:

''(2) There shall be in the Office 3 Deputy United States Trade Representatives, one Chief Agricultural Negotiator, and one Chief Manufacturing Negotiator, who shall all be appointed by the President, by and with the advice and consent of the Senate. As an exercise of the rulemaking power of the Senate, any nomination of a Deputy United States Trade Representative, the Chief Agricultural Negotiator, or the Chief Manufacturing Negotiator submitted to the Senate for its advice and consent, and referred to a committee, shall be referred to the Committee on Finance. Each Deputy United States Trade Representative, the Chief Agricultural Negotiator, and the Chief Manufacturing Negotiator shall hold office at the pleasure of the President and shall have the rank of Ambassador.''.

(b) FUNCTIONS OF POSITION.—Section 141(c) of the Trade Act of 1974 (19 U.S.C. 2171(c)) is amended—

(1) by moving paragraph (5) 2 ems to the left; and

(2) by adding at the end the following:

''(6)(A) The principal function of the Chief Manufacturing Negotiator shall be to conduct trade negotiations and to enforce trade agreements relating to United States manufacturing products and services. The Chief Manufacturing Negotiator shall be a vigorous advocate on behalf of United States manufacturing interests and shall perform such other functions as the United States Trade Representative may direct.

''(B) Not later than one year after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, and annually thereafter, the Chief Manufacturing Negotiator shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the actions taken by the Chief Manufacturing Negotiator in the preceding year.''.

(c) COMPENSATION.—Section 5314 of title 5, United States Code, is amended by striking ''Chief Agricultural Negotiator.'' and inserting the following:

''Chief Agricultural Negotiator, Office of the United States Trade Representative.

''Chief Manufacturing Negotiator, Office of the United States Trade Representative.''.

(d) TECHNICAL AMENDMENTS.—Section 141(e) of the Trade Act of 1974 (19 U.S.C. 2171(e)) is amended—

(1) in paragraph (1), by striking ''5314'' and inserting ''5315''; and

(2) in paragraph (2), by striking ''the maximum rate of pay for grade GS–18, as provided in section 5332'' and inserting ''the maximum rate of pay for level IV of the Executive Schedule in section 5315''.

SEC. 606. ENFORCEMENT UNDER TITLE III OF THE TRADE ACT OF 1974 WITH RESPECT TO CERTAIN ACTS, POLICIES, AND PRACTICES RELATING TO THE ENVIRONMENT.

Section 301(d)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2411(d)(3)(B)) is amended—

(1) in clause (ii), by striking ''or'' at the end;

(2) in clause (iii)(V), by striking the period at the end and inserting '', or''; and

(3) by adding at the end the following:

''(iv) constitutes a persistent pattern of conduct by the government of the foreign country under which that government—

''(I) fails to effectively enforce the environmental laws of the foreign country,

''(II) waives or otherwise derogates from the environmental laws of the foreign country or weakens the protections afforded by such laws,

''(III) fails to provide for judicial or administrative proceedings giving access to remedies for violations of the environmental laws of the foreign country,

''(IV) fails to provide appropriate and effective sanctions or remedies for violations of the environmental laws of the foreign country, or

''(V) fails to effectively enforce environmental commitments under agreements to which the foreign country and the United States are a party.''.

SEC. 607. TRADE ENFORCEMENT TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the Trade Enforcement Trust Fund (in this section referred to as the ''Trust Fund''), consisting of amounts transferred to the Trust Fund under subsection (b) and any amounts that may be credited to the Trust Fund under subsection (c).

(b) TRANSFER OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall transfer to the Trust Fund, from the general fund of the Treasury, for each fiscal year that begins on or after the date of the enactment of this Act, an amount equal to $15,000,000 (or a lesser amount as required pursuant to paragraph (2)) of the antidumping duties and countervailing duties received in the Treasury for such fiscal year.

(2) LIMITATION.—The total amount in the Trust Fund at any time may not exceed $30,000,000.

(3) FREQUENCY OF TRANSFERS; ADJUSTMENTS.—

(A) FREQUENCY OF TRANSFERS.—The Secretary shall transfer amounts required to be transferred to the Trust Fund under paragraph (1) not less frequently than quarterly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary.

(B) ADJUSTMENTS.—The Secretary shall make proper adjustments in amounts subsequently transferred to the Trust Fund to the extent prior estimates were in excess of or less than the amounts required to be transferred to the Trust Fund.

(c) INVESTMENT OF AMOUNTS.—

(1) INVESTMENT OF AMOUNTS.—The Secretary shall invest such portion of the Trust Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(2) INTEREST AND PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in Trust Fund shall be credited to and form a part of the Trust Fund.

(d) AVAILABILITY OF AMOUNTS FROM TRUST FUND.—

(1) ENFORCEMENT.—The United States Trade Representative may use the amounts in the Trust fund to carry out any of the following:

(A) To seek to enforce the provisions of and commitments and obligations under the WTO Agreements and free trade agreements to which the United States is a party and resolve any actions by foreign countries that are inconsistent with those provisions, commitments, and obligations.

(B) To monitor the implementation by foreign countries of the provisions of and commitments and obligations under free trade agreements to which the United States is a party for purposes of systematically assessing, identifying, investigating, or initiating steps to address inconsistencies with those provisions, commitments, and obligations.

(C) To thoroughly investigate and respond to petitions under section 302 of the Trade Act of 1974 (19 U.S.C. 2412) requesting that action be taken under section 301 of such Act (19 U.S.C. 2411).

(2) IMPLEMENTATION ASSISTANCE AND CAPACITY BUILDING.—The United States Trade Representative, the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of Labor, and such heads of other Federal agencies as the President considers appropriate may use the amounts in the Trust Fund to carry out any of the following:

(A) To ensure capacity-building efforts undertaken by the United States pursuant to any free trade agreement to which the United States is a party prioritize and give special attention to the timely, consistent, and robust implementation of the intellectual property, labor, and environmental commitments and obligations of any party to that free trade agreement.

(B) To ensure capacity-building efforts undertaken by the United States pursuant to any such free trade agreement are self-sustaining and promote local ownership.

(C) To ensure capacity-building efforts undertaken by the United States pursuant to any such free trade agreement include performance indicators against which the progress and obstacles for the implementation of commitments and obligations described in subparagraph (A) can be identified and assessed within a meaningful time frame.

(D) To monitor and evaluate the capacity-building efforts of the United States under subparagraphs (A), (B), and (C).

(3) LIMITATION.—Amounts made available in the Trust Fund may not be used for negotiations for any free trade agreement to be entered into on or after the date of the enactment of this Act.

(e) REPORT.—Not later than 18 months after the entry into force of any free trade agreement entered into after the date of the enactment of this Act, the United States Trade Representative, the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of Labor, and any other head of a Federal agency who has used amounts in the Trust Fund in connection with that agreement, shall each submit to Congress a report on the actions taken by that official under subsection (d) in connection with that agreement.

(f) COMPTROLLER GENERAL STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study that includes the following:

(A) A comprehensive analysis of the trade enforcement expenditures of each Federal agency with responsibilities relating to trade that specifies, with respect to each such Federal agency—

(i) the amounts appropriated for trade enforcement; and

(ii) the number of full-time employees carrying out activities relating to trade enforcement.

(B) Recommendations on the additional employees and resources that each such Federal agency may need to effectively enforce the free trade agreements to which the United States is a party.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study conducted under paragraph (1).

(g) DEFINITIONS.—In this section:

(1) ANTIDUMPING DUTY.—The term ''antidumping duty'' means an antidumping duty imposed under section 731 of the Tariff Act of 1930 (19 U.S.C. 1673).

(2) COUNTERVAILING DUTY.—The term ''countervailing duty'' means a countervailing duty imposed under section 701 of the Tariff Act of 1930 (19 U.S.C. 1671).

(3) WTO.—The term ''WTO'' means the World Trade Organization.

(4) WTO AGREEMENT.—The term ''WTO Agreement'' has the meaning given that term in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9)).

(5) WTO AGREEMENTS.—The term ''WTO Agreements'' means the WTO Agreement and agreements annexed to that Agreement.

SEC. 608. HONEY TRANSSHIPMENT.

(a) IN GENERAL.—The Commissioner shall direct appropriate personnel and resources of U.S. Customs and Border Protection to address concerns that honey is being imported into the United States in violation of the customs and trade laws of the United States.

(b) COUNTRY OF ORIGIN.—

(1) IN GENERAL.—The Commissioner shall compile a database of the individual characteristics of honey produced in foreign countries to facilitate the verification of country of origin markings of imported honey.

(2) ENGAGEMENT WITH FOREIGN GOVERNMENTS.—The Commissioner shall seek to engage the customs agencies of foreign governments for assistance in compiling the database described in paragraph (1).

(3) CONSULTATION WITH INDUSTRY.—In compiling the database described in paragraph (1), the Commissioner shall consult with entities in the honey industry regarding the development of industry standards for honey identification.

(4) CONSULTATION WITH FOOD AND DRUG ADMINISTRATION.—In compiling the database described in paragraph (1), the Commissioner shall consult with the Commissioner of Food and Drugs.

(c) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit to Congress a report that—

(1) describes and assesses the limitations in the existing analysis capabilities of laboratories with respect to determining the country of origin of honey samples or the percentage of honey contained in a sample; and

(2) includes any recommendations of the Commissioner for improving such capabilities.

(d) SENSE OF CONGRESS.—It is the sense of Congress that the Commissioner of Food and Drugs should promptly establish a national standard of identity for honey for the Commissioner responsible for U.S. Customs and Border Protection to use to ensure that imports of honey are—

(1) classified accurately for purposes of assessing duties; and

(2) denied entry into the United States if such imports pose a threat to the health or safety of consumers in the United States.

SEC. 609. INCLUSION OF INTEREST IN CERTAIN DISTRIBUTIONS OF ANTIDUMPING DUTIES AND COUNTERVAILING DUTIES.

(a) IN GENERAL.—The Secretary of Homeland Security shall deposit all interest described in subsection (c) into the special account established under section 754(e) of the Tariff Act of 1930 (19 U.S.C. 1675c(e)) (repealed by subtitle F of title VII of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 154)) for inclusion in distributions described in subsection (b) made on or after the date of the enactment of this Act.

(b) DISTRIBUTIONS DESCRIBED.—Distributions described in this subsection are distributions of antidumping duties and countervailing duties assessed on or after October 1, 2000, that are made under section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c) (repealed by subtitle F of title VII of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 154)), with respect to entries of merchandise—

(1) made on or before September 30, 2007; and

(2) that were, in accordance with section 822 of the Claims Resolution Act of 2010 (19 U.S.C. 1675c note), unliquidated, not in litigation, and not under an order of liquidation from the Department of Commerce on December 8, 2010.

(c) INTEREST DESCRIBED.—

(1) INTEREST REALIZED.—Interest described in this subsection is interest earned on antidumping duties or countervailing duties distributed as described in subsection (b) that is realized through application of a payment received on or after October 1, 2014, by U.S. Customs and Border Protection under, or in connection with—

(A) a customs bond pursuant to a court order or judgment entered as a result of a civil action filed by the Federal Government against the surety from which the payment was obtained for the purpose of collecting duties or interest owed with respect to an entry; or

(B) a settlement for any such bond if the settlement was executed after the Federal Government filed a civil action described in subparagraph (A).

(2) TYPES OF INTEREST.—Interest described in paragraph (1) includes the following:

(A) Interest accrued under section 778 of the Tariff Act of 1930 (19 U.S.C. 1677g).

(B) Interest accrued under section 505(d) of the Tariff Act of 1930 (19 U.S.C. 1505(d)).

(C) Equitable interest under common law or interest under section 963 of the Revised Statutes (19 U.S.C. 580) awarded by a court against a surety under its bond for late payment of antidumping duties, countervailing duties, or interest described in subparagraph (A) or (B).

(d) DEFINITIONS.—In this section:

(1) ANTIDUMPING DUTIES.—The term ''antidumping duties'' means antidumping duties imposed under section 731 of the Tariff Act of 1930 (19 U.S.C. 1673) or under the Antidumping Act, 1921 (title II of the Act of May 27, 1921; 42 Stat. 11, chapter 14).

(2) COUNTERVAILING DUTIES.—The term ''countervailing duties'' means countervailing duties imposed under section 701 of the Tariff Act of 1930 (19 U.S.C. 1671).

SEC. 610. ILLICITLY IMPORTED, EXPORTED, OR TRAFFICKED CULTURAL PROPERTY, ARCHAEOLOGICAL OR ETHNOLOGICAL MATERIALS, AND FISH, WILDLIFE, AND PLANTS.

(a) IN GENERAL.—The Commissioner and the Director of U.S. Immigration and Customs Enforcement shall ensure that appropriate personnel of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, as the case may be, are trained in the detection, identification, detention, seizure, and forfeiture of cultural property, archaeological or ethnological materials, and fish, wildlife, and plants, the importation, exportation, or trafficking of which violates the laws of the United States.

(b) TRAINING.—The Commissioner and the Director are authorized to accept training and other support services from experts outside of the Federal Government with respect to the detection, identification, detention, seizure, and forfeiture of cultural property, archaeological or ethnological materials, or fish, wildlife, and plants described in subsection (a).

Subtitle B—Intellectual Property Rights Protection

SEC. 611. ESTABLISHMENT OF CHIEF INNOVATION AND INTELLECTUAL PROPERTY NEGOTIATOR.

(a) IN GENERAL.—Section 141 of the Trade Act of 1974 (19 U.S.C. 2171) is amended—

(1) in subsection (b)(2), as amended by section 605(a) of this Act—

(A) by striking ''and one Chief Manufacturing Negotiator'' and inserting ''one Chief Manufacturing Negotiator, and one Chief Innovation and Intellectual Property Negotiator'';

(B) by striking ''or the Chief Manufacturing Negotiator'' and inserting ''the Chief Manufacturing Negotiator, or the Chief Innovation and Intellectual Property Negotiator''; and

(C) by striking ''and the Chief Manufacturing Negotiator'' and inserting ''the Chief Manufacturing Negotiator, and the Chief Innovation and Intellectual Property Negotiator''; and

(2) in subsection (c), as amended by section 605(b) of this Act, by adding at the end the following:

''(7) The principal functions of the Chief Innovation and Intellectual Property Negotiator shall be to conduct trade negotiations and to enforce trade agreements relating to United States intellectual property and to take appropriate actions to address acts, policies, and practices of foreign governments that have a significant adverse impact on the value of United States innovation. The Chief Innovation and Intellectual Property Negotiator shall be a vigorous advocate on behalf of United States innovation and intellectual property interests. The Chief Innovation and Intellectual Property Negotiator shall perform such other functions as the United States Trade Representative may direct.''.

(b) COMPENSATION.—Section 5314 of title 5, United States Code, as amended by section 605(c) of this Act, is further amended by inserting after ''Chief Manufacturing Negotiator, Office of the United States Trade Representative.'' the following:

''Chief Innovation and Intellectual Property Negotiator, Office of the United States Trade Representative.''.

(c) REPORT REQUIRED.—Not later than one year after the appointment of the first Chief Innovation and Intellectual Property Negotiator pursuant to paragraph (2) of section 141(b) of the Trade Act of 1974, as amended by subsection (a), and annually thereafter, the United States Trade Representative shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report describing in detail—

(1) enforcement actions taken by the Trade Representative during the year preceding the submission of the report to ensure the protection of United States innovation and intellectual property interests; and

(2) other actions taken by the Trade Representative to advance United States innovation and intellectual property interests.

SEC. 612. MEASURES RELATING TO COUNTRIES THAT DENY ADEQUATE PROTECTION FOR INTELLECTUAL PROPERTY RIGHTS.

(a) INCLUSION OF COUNTRIES THAT DENY ADEQUATE PROTECTION OF TRADE SECRETS.—Section 182(d)(2) of the Trade Act of 1974 (19 U.S.C. 2242(d)(2)) is amended by inserting '', trade secrets,'' after ''copyrights''.

(b) SPECIAL RULES FOR COUNTRIES ON THE PRIORITY WATCH LIST OF THE UNITED STATES TRADE REPRESENTATIVE.—

(1) IN GENERAL.—Section 182 of the Trade Act of 1974 (19 U.S.C. 2242) is amended by striking subsection (g) and inserting the following:

''(g) SPECIAL RULES FOR FOREIGN COUNTRIES ON THE PRIORITY WATCH LIST.—

''(1) ACTION PLANS.—

''(A) IN GENERAL.—Not later than 90 days after the date on which the Trade Representative submits the National Trade Estimate under section 181(b), the Trade Representative shall develop an action plan described in subparagraph (C) with respect to each foreign country described in subparagraph (B).

''(B) FOREIGN COUNTRY DESCRIBED.—The Trade Representative shall develop an action plan pursuant to subparagraph (A) with respect to each foreign country that—

''(i) the Trade Representative has identified for placement on the priority watch list; and

''(ii) has remained on such list for at least 1 year.

''(C) ACTION PLAN DESCRIBED.—An action plan developed pursuant to subparagraph (A) shall contain the benchmarks described in subparagraph (D) and be designed to assist the foreign country—

''(i) to achieve—

''(I) adequate and effective protection of intellectual property rights; and

''(II) fair and equitable market access for United States persons that rely upon intellectual property protection; or

''(ii) to make significant progress toward achieving the goals described in clause (i).

''(D) BENCHMARKS DESCRIBED.—The benchmarks contained in an action plan developed pursuant to subparagraph (A) are such legislative, institutional, enforcement, or other actions as the Trade Representative determines to be necessary for the foreign country to achieve the goals described in clause (i) or (ii) of subparagraph (C).

''(2) FAILURE TO MEET ACTION PLAN BENCHMARKS.—If, 1 year after the date on which an action plan is developed under paragraph (1)(A), the President, in consultation with the Trade Representative, determines that the foreign country to which the action plan applies has not substantially complied with the benchmarks described in paragraph (1)(D), the President may take appropriate action with respect to the foreign country.

''(3) PRIORITY WATCH LIST DEFINED.—In this subsection, the term 'priority watch list' means the priority watch list established by the Trade Representative.

''(h) ANNUAL REPORT.—Not later than 30 days after the date on which the Trade Representative submits the National Trade Estimate under section 181(b), the Trade Representative shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on actions taken under this section during the 12 months preceding such report, and the reasons for such actions, including—

''(1) any foreign countries identified under subsection (a);

''(2) a description of progress made in achieving improved intellectual property protection and market access for persons relying on intellectual property rights; and

''(3) a description of the action plans developed under subsection (g) and any actions taken by foreign countries under such plans.''.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to the Office of the United States Trade Representative such sums as may be necessary to provide assistance to any developing country to which an action plan applies under section 182(g) of the Trade Act of 1974, as amended by paragraph (1), to facilitate the efforts of the developing country to comply with the benchmarks contained in the action plan. Such assistance may include capacity building, activities designed to increase awareness of intellectual property rights, and training for officials responsible for enforcing intellectual property rights in the developing country.

(B) DEVELOPING COUNTRY DEFINED.—In this paragraph, the term ''developing country'' means a country classified by the World Bank as having a low-income or lower-middle-income economy.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as limiting the authority of the President or the United States Trade Representative to develop action plans other than action plans described in section 182(g) of the Trade Act of 1974, as amended by paragraph (1), or to take any action otherwise authorized by law in response to the failure of a foreign country to provide adequate and effective protection and enforcement of intellectual property rights.

TITLE VII—CURRENCY MANIPULATION

Subtitle A—Investigation of Currency Undervaluation

SEC. 701. SHORT TITLE.

This subtitle may be cited as the ''Currency Undervaluation Investigation Act''.

SEC. 702. INVESTIGATION OR REVIEW OF CURRENCY UNDERVALUATION UNDER COUNTERVAILING DUTY LAW.

Subsection (c) of section 702 of the Tariff Act of 1930 (19 U.S.C. 1671a(c)) is amended by adding at the end the following:

''(6) CURRENCY UNDERVALUATION.—For purposes of a countervailing duty investigation under this subtitle in which the determinations under clauses (i) and (ii) of paragraph (1)(A) are affirmative, or a review under subtitle C with respect to a countervailing duty order, the administering authority shall initiate an investigation to determine whether currency undervaluation by the government of a country or any public entity within the territory of a country is providing, directly or indirectly, a countervailable subsidy, if—

''(A) a petition filed by an interested party (described in subparagraph (C), (D), (E), (F), or (G) of section 771(9)) alleges the elements necessary for the imposition of the duty imposed by section 701(a); and

''(B) the petition is accompanied by information reasonably available to the petitioner supporting those allegations.''.

SEC. 703. BENEFIT CALCULATION METHODOLOGY WITH RESPECT TO CURRENCY UNDERVALUATION.

Section 771 of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by adding at the end the following:

''(37) CURRENCY UNDERVALUATION BENEFIT.—

''(A) CURRENCY UNDERVALUATION BENEFIT.—For purposes of a countervailing duty investigation under subtitle A, or a review under subtitle C with respect to a countervailing duty order, the following shall apply:

''(i) IN GENERAL.—If the administering authority determines to investigate whether currency undervaluation provides a countervailable subsidy, the administering authority shall determine whether there is a benefit to the recipient of that subsidy and measure such benefit by comparing the simple average of the real exchange rates derived from application of the macroeconomic-balance approach and the equilibrium-real-exchange-rate approach to the official daily exchange rate identified by the administering authority.

''(ii) RELIANCE ON DATA.—In making the determination under clause (i), the administering authority shall rely upon data that are publicly available, reliable, and compiled and maintained by the International Monetary Fund or the World Bank, or other international organizations or national governments if data from the International Monetary Fund or World Bank are not available.

''(B) DEFINITIONS.—In this paragraph:

''(i) MACROECONOMIC-BALANCE APPROACH.—The term 'macroeconomic-balance approach' means a methodology under which the level of undervaluation of the real effective exchange rate of the currency of the exporting country is defined as the change in the real effective exchange rate needed to achieve equilibrium in the balance of payments of the exporting country, as such methodology is described in the guidelines of the International Monetary Fund's Consultative Group on Exchange Rate Issues, if available.

''(ii) EQUILIBRIUM-REAL-EXCHANGE-RATE APPROACH.—The term 'equilibrium-real-exchange-rate approach' means a methodology under which the level of undervaluation of the real effective exchange rate of the currency of the exporting country is defined as the difference between the observed real effective exchange rate and the real effective exchange rate, as such methodology is described in the guidelines of the International Monetary Fund's Consultative Group on Exchange Rate Issues, if available.

''(iii) REAL EXCHANGE RATES.—The term 'real exchange rates' means the bilateral exchange rates derived from converting the trade-weighted multilateral exchange rates yielded by the macroeconomic-balance approach and the equilibrium-real-exchange-rate approach into real bilateral terms.''.

SEC. 704. MODIFICATION OF DEFINITION OF SPECIFICITY WITH RESPECT TO EXPORT SUBSIDY.

Section 771(5A)(B) of the Tariff Act of 1930 (19 U.S.C. 1677(5A)(B)) is amended by adding at the end the following new sentence: ''The fact that a subsidy may also be provided in circumstances that do not involve export shall not, for that reason alone, mean that the subsidy cannot be considered contingent upon export performance.''.

SEC. 705. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3438), the amendments made by this subtitle shall apply with respect to goods from Canada and Mexico.

SEC. 706. EFFECTIVE DATE.

The amendments made by this subtitle apply to countervailing duty investigations initiated under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) and reviews initiated under subtitle C of title VII of such Act (19 U.S.C. 1675 et seq.)—

(1) before the date of the enactment of this Act, if the investigation or review is pending a final determination as of such date of enactment; and

(2) on or after such date of enactment.

Subtitle B—Engagement on Currency Exchange Rate and Economic Policies

SEC. 711. ENHANCEMENT OF ENGAGEMENT ON CURRENCY EXCHANGE RATE AND ECONOMIC POLICIES WITH CERTAIN MAJOR TRADING PARTNERS OF THE UNITED STATES.

(a) MAJOR TRADING PARTNER REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than once every 180 days thereafter, the Secretary shall submit to the appropriate committees of Congress a report on the macroeconomic and currency exchange rate policies of each country that is a major trading partner of the United States.

(2) ELEMENTS.—

(A) IN GENERAL.—Each report submitted under paragraph (1) shall contain—

(i) for each country that is a major trading partner of the United States—

(I) that country's bilateral trade balance with the United States;

(II) that country's current account balance as a percentage of its gross domestic product;

(III) the change in that country's current account balance as a percentage of its gross domestic product during the 3-year period preceding the submission of the report;

(IV) that country's foreign exchange reserves as a percentage of its short-term debt; and

(V) that country's foreign exchange reserves as a percentage of its gross domestic product; and

(ii) an enhanced analysis of macroeconomic and exchange rate policies for each country—

(I) that is a major trading partner of the United States;

(II) the currency of which is persistently and substantially undervalued;

(III) that has—

(aa) a significant bilateral trade surplus with the United States; and

(bb) a material global current account surplus; and

(IV) that has engaged in persistent one-sided intervention in the foreign exchange market.

(B) ENHANCED ANALYSIS.—Each enhanced analysis under subparagraph (A)(ii) shall include, for each country with respect to which an analysis is made under that subparagraph—

(i) a description of developments in the currency markets of that country, including, to the greatest extent feasible, developments with respect to currency interventions;

(ii) a description of trends in the real effective exchange rate of the currency of that country and in the degree of undervaluation of that currency;

(iii) an analysis of changes in the capital controls and trade restrictions of that country; and

(iv) patterns in the reserve accumulation of that country.

(b) ENGAGEMENT ON EXCHANGE RATE AND ECONOMIC POLICIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the President, through the Secretary, shall commence enhanced bilateral engagement with each country for which an enhanced analysis of macroeconomic and currency exchange rate policies is included in the report submitted under subsection (a), in order to—

(A) urge implementation of policies to address the causes of the undervaluation of its currency, its bilateral trade surplus with the United States, and its material global current account surplus, including undervaluation and surpluses relating to exchange rate management;

(B) express the concern of the United States with respect to the adverse trade and economic effects of that undervaluation and those surpluses;

(C) develop measurable objectives for addressing that undervaluation and those surpluses; and

(D) advise that country of the ability of the President to take action under subsection (c).

(2) EXCEPTION.—The Secretary may determine not to enhance bilateral engagement with a country under paragraph (1) for which an enhanced analysis of macroeconomic and exchange rate policies is included in the report submitted under subsection (a) if the Secretary submits to the appropriate committees of Congress a report that describes how the currency and other macroeconomic policies of that country are addressing the undervaluation and surpluses specified in paragraph (1)(A) with respect to that country, including undervaluation and surpluses relating to exchange rate management.

(c) REMEDIAL ACTION.—

(1) IN GENERAL.—If, on the date that is one year after the commencement of enhanced bilateral engagement by the President with respect to a country under subsection (b)(1), the country has failed to adopt appropriate policies to correct the undervaluation and surpluses described in subsection (b)(1)(A) with respect to that country, the President may take one or more of the following actions:

(A) Prohibit the Overseas Private Investment Corporation from approving any new financing (including any insurance, reinsurance, or guarantee) with respect to a project located in that country on and after such date.

(B) Except as provided in paragraph (2), and pursuant to paragraph (3), prohibit the Federal Government from procuring, or entering into any contract for the procurement of, goods or services from that country on and after such date.

(C) Instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to call for additional rigorous surveillance of the macroeconomic and exchange rate policies of that country and, as appropriate, formal consultations on findings of currency manipulation.

(D) Instruct the United States Trade Representative to take into account, in consultation with the Secretary, in assessing whether to enter into a bilateral or regional trade agreement with that country or to initiate or participate in negotiations with respect to a bilateral or regional trade agreement with that country, the extent to which that country has failed to adopt appropriate policies to correct the undervaluation and surpluses described in subsection (b)(1)(A).

(2) EXCEPTION.—The President may not apply a prohibition under paragraph (1)(B) with respect to a country that is a party to the Agreement on Government Procurement or a free trade agreement to which the United States is a party.

(3) CONSULTATIONS.—

(A) OFFICE OF MANAGEMENT AND BUDGET.—Before applying a prohibition under paragraph (1)(B), the President shall consult with the Director of the Office of Management and Budget to determine whether such prohibition would subject the taxpayers of the United States to unreasonable cost.

(B) CONGRESS.—The President shall consult with the appropriate committees of Congress with respect to any action the President takes under paragraph (1)(B), including whether the President has consulted as required under subparagraph (A).

(d) DEFINITIONS.—In this section:

(1) AGREEMENT ON GOVERNMENT PROCUREMENT.—The term ''Agreement on Government Procurement'' means the agreement referred to in section 101(d)(17) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(17)).

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate; and

(B) the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives.

(3) COUNTRY.—The term ''country'' means a foreign country, dependent territory, or possession of a foreign country, and may include an association of 2 or more foreign countries, dependent territories, or possessions of countries into a customs union outside the United States.

(4) REAL EFFECTIVE EXCHANGE RATE.—The term ''real effective exchange rate'' means a weighted average of bilateral exchange rates, expressed in price-adjusted terms.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

SEC. 712. ADVISORY COMMITTEE ON INTERNATIONAL EXCHANGE RATE POLICY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established an Advisory Committee on International Exchange Rate Policy (in this section referred to as the ''Committee'').

(2) DUTIES.—The Committee shall be responsible for advising the Secretary of the Treasury with respect to the impact of international exchange rates and financial policies on the economy of the United States.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of 9 members as follows, none of whom shall be employees of the Federal Government:

(A) Three members shall be appointed by the President pro tempore of the Senate, upon the recommendation of the chairmen and ranking members of the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate.

(B) Three members shall be appointed by the Speaker of the House of Representatives upon the recommendation of the chairmen and ranking members of the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives.

(C) Three members shall be appointed by the President.

(2) QUALIFICATIONS.—Members shall be selected under paragraph (1) on the basis of their objectivity and demonstrated expertise in finance, economics, or currency exchange.

(3) TERMS.—

(A) IN GENERAL.—Members shall be appointed for a term of 2 years or until the Committee terminates.

(B) REAPPOINTMENT.—A member may be reappointed to the Committee for additional terms.

(4) VACANCIES.—Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) DURATION OF COMMITTEE.—

(1) IN GENERAL.—The Committee shall terminate on the date that is 2 years after the date of the enactment of this Act unless renewed by the President for a subsequent 2-year period.

(2) CONTINUED RENEWAL.—The President may continue to renew the Committee for successive 2-year periods by taking appropriate action to renew the Committee prior to the date on which the Committee would otherwise terminate.

(d) MEETINGS.—The Committee shall hold not less than 2 meetings each calendar year.

(e) CHAIRPERSON.—

(1) IN GENERAL.—The Committee shall elect from among its members a chairperson for a term of 2 years or until the Committee terminates.

(2) REELECTION; SUBSEQUENT TERMS.—A chairperson of the Committee may be reelected chairperson but is ineligible to serve consecutive terms as chairperson.

(f) STAFF.—The Secretary of the Treasury shall make available to the Committee such staff, information, personnel, administrative services, and assistance as the Committee may reasonably require to carry out the activities of the Committee.

(g) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

(2) EXCEPTION.—Meetings of the Committee shall be exempt from the requirements of subsections (a) and (b) of section 10 and section 11 of the Federal Advisory Committee Act (relating to open meetings, public notice, public participation, and public availability of documents), whenever and to the extent it is determined by the President or the Secretary of the Treasury that such meetings will be concerned with matters the disclosure of which—

(A) would seriously compromise the development by the Government of the United States of monetary or financial policy; or

(B) is likely to—

(i) lead to significant financial speculation in currencies, securities, or commodities; or

(ii) significantly endanger the stability of any financial institution.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Treasury for each fiscal year in which the Committee is in effect $1,000,000 to carry out this section.

TITLE VIII—PROCESS FOR CONSIDERATION OF TEMPORARY DUTY SUSPENSIONS AND REDUCTIONS

SEC. 801. SHORT TITLE.

This title may be cited as the ''American Manufacturing Competitiveness Act of 2015''.

SEC. 802. SENSE OF CONGRESS ON THE NEED FOR A MISCELLANEOUS TARIFF BILL.

(a) FINDINGS.—Congress makes the following findings:

(1) As of the date of the enactment of this Act, the Harmonized Tariff Schedule of the United States imposes duties on imported goods for which there is no domestic availability or insufficient domestic availability.

(2) The imposition of duties on such goods creates artificial distortions in the economy of the United States that negatively affect United States manufacturers and consumers.

(3) It is in the interests of the United States to update the Harmonized Tariff Schedule every 3 years to eliminate such artificial distortions by suspending or reducing duties on such goods.

(4) The manufacturing competitiveness of the United States around the world will be enhanced if Congress regularly and predictably updates the Harmonized Tariff Schedule to suspend or reduce duties on such goods.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, to remove the competitive disadvantage to United States manufactures and consumers resulting from an outdated Harmonized Tariff Schedule and to promote the competitiveness of United States manufacturers, Congress should consider a miscellaneous tariff bill not later than 180 days after the United States International Trade Commission and the Department of Commerce issue reports on proposed duty suspensions and reductions under this title.

SEC. 803. PROCESS FOR CONSIDERATION OF DUTY SUSPENSIONS AND REDUCTIONS.

(a) PURPOSE.—It is the purpose of this section to establish a process by the appropriate congressional committees, in conjunction with the Commission pursuant to its authorities under section 332 of the Tariff Act of 1930 (19 U.S.C. 1332), for the submission and consideration of proposed duty suspensions and reductions.

(b) ESTABLISHMENT.—Not later than October 15, 2015, and October 15, 2018, the appropriate congressional committees shall establish and, on the same day, publish on their respective publicly available Internet websites a process—

(1) to provide for the submission and consideration of legislation containing proposed duty suspensions and reductions in a manner that, to the maximum extent practicable, is consistent with the requirements described in subsection (c); and

(2) to include in a miscellaneous tariff bill those duty suspensions and reductions that meet the requirements of this title.

(c) REQUIREMENTS OF COMMISSION.—

(1) INITIATION.—Not later than October 15, 2015, and October 15, 2018, the Commission shall publish in the Federal Register and on a publicly available Internet website of the Commission a notice requesting members of the public to submit to the Commission during the 60-day period beginning on the date of such publication—

(A) proposed duty suspensions and reductions; and

(B) Commission disclosure forms with respect to such duty suspensions and reductions.

(2) REVIEW.—

(A) COMMISSION SUBMISSION TO CONGRESS.—As soon as practicable after the expiration of the 60-day period specified in paragraph (1), but not later than 15 days after the expiration of such 60-day period, the Commission shall submit to the appropriate congressional committees the proposed duty suspensions and reductions submitted under paragraph (1)(A) and the Commission disclosure forms with respect to such duty suspensions and reductions submitted under paragraph (1)(B).

(B) PUBLIC AVAILABILITY OF PROPOSED DUTY SUSPENSIONS AND REDUCTIONS.—Not later than 15 days after the expiration of the 60-day period specified in paragraph (1), the Commission shall publish on a publicly available Internet website of the Commission the proposed duty suspensions and reductions submitted under paragraph (1)(A) and the Commission disclosure forms with respect to such duty suspensions and reductions submitted under paragraph (1)(B).

(C) COMMISSION REPORTS TO CONGRESS.—Not later than the end of the 90-day period beginning on the date of publication of the proposed duty suspensions and reductions under subparagraph (B), the Commission shall submit to the appropriate congressional committees a report on each proposed duty suspension or reduction submitted pursuant to subsection (b)(1) or paragraph (1)(A) that contains the following information:

(i) A determination of whether or not domestic production of the article that is the subject of the proposed duty suspension or reduction exists and, if such production exists, whether or not a domestic producer of the article objects to the proposed duty suspension or reduction.

(ii) Any technical changes to the article description that are necessary for purposes of administration when articles are presented for importation.

(iii) The amount of tariff revenue that would no longer be collected if the proposed duty suspension or reduction takes effect.

(iv) A determination of whether or not the proposed duty suspension or reduction is available to any person that imports the article that is the subject of the proposed duty suspension or reduction.

(3) PROCEDURES.—The Commission shall prescribe and publish on a publicly available Internet website of the Commission procedures for complying with the requirements of this subsection.

(4) AUTHORITIES DESCRIBED.—The Commission shall carry out this subsection pursuant to its authorities under section 332 of the Tariff Act of 1930 (19 U.S.C. 1332).

(d) DEPARTMENT OF COMMERCE REPORT.—Not later than the end of the 90-day period beginning on the date of publication of the proposed duty suspensions and reductions under subsection (c)(2)(B), the Secretary of Commerce, in consultation with U.S. Customs and Border Protection and other relevant Federal agencies, shall submit to the appropriate congressional committees a report on each proposed duty suspension and reduction submitted pursuant to subsection (b)(1) or (c)(1)(A) that includes the following information:

(1) A determination of whether or not domestic production of the article that is the subject of the proposed duty suspension or reduction exists and, if such production exists, whether or not a domestic producer of the article objects to the proposed duty suspension or reduction.

(2) Any technical changes to the article description that are necessary for purposes of administration when articles are presented for importation.

(e) RULE OF CONSTRUCTION.—A proposed duty suspension or reduction submitted under this section by a Member of Congress shall receive treatment no more favorable than the treatment received by a proposed duty suspension or reduction submitted under this section by a member of the public.

SEC. 804. REPORT ON EFFECTS OF DUTY SUSPENSIONS AND REDUCTIONS ON UNITED STATES ECONOMY.

(a) IN GENERAL.—Not later than May 1, 2018, and May 1, 2020, the Commission shall submit to the appropriate congressional committees a report on the effects on the United States economy of temporary duty suspensions and reductions enacted pursuant to this title, including a broad assessment of the economic effects of such duty suspensions and reductions on producers, purchasers, and consumers in the United States, using case studies describing such effects on selected industries or by type of article as available data permit.

(b) RECOMMENDATIONS.—The Commission shall also solicit and append to the report required under subsection (a) recommendations with respect to those domestic industry sectors or specific domestic industries that might benefit from permanent duty suspensions and reductions or elimination of duties, either through a unilateral action of the United States or though negotiations for reciprocal tariff agreements, with a particular focus on inequities created by tariff inversions.

(c) FORM OF REPORT.—Each report required by this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 805. JUDICIAL REVIEW PRECLUDED.

The exercise of functions under this title shall not be subject to judicial review.

SEC. 806. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(2) COMMISSION.—The term ''Commission'' means the United States International Trade Commission.

(3) COMMISSION DISCLOSURE FORM.—The term ''Commission disclosure form'' means, with respect to a proposed duty suspension or reduction, a document submitted by a member of the public to the Commission that contains the following:

(A) The contact information for any known importers of the article to which the proposed duty suspension or reduction would apply.

(B) A certification by the member of the public that the proposed duty suspension or reduction is available to any person importing the article to which the proposed duty suspension or reduction would apply.

(4) DOMESTIC PRODUCER.—The term ''domestic producer'' means a person that demonstrates production, or imminent production, in the United States of an article that is identical to, or like or directly competitive with, an article to which a proposed duty suspension or reduction would apply.

(5) DUTY SUSPENSION OR REDUCTION.—

(A) IN GENERAL.—The term ''duty suspension or reduction'' means an amendment to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States that—

(i)(I) extends an existing temporary duty suspension or reduction of duty on an article under that subchapter; or

(II) provides for a new temporary duty suspension or reduction of duty on an article under that subchapter; and

(ii) otherwise meets the requirements described in subparagraph (B).

(B) REQUIREMENTS.—A duty suspension or reduction meets the requirements described in this subparagraph if—

(i) the duty suspension or reduction can be administered by U.S. Customs and Border Protection;

(ii) the estimated loss in revenue to the United States from the duty suspension or reduction does not exceed $500,000 in a calendar year during which the duty suspension or reduction would be in effect, as determined by the Congressional Budget Office; and

(iii) the duty suspension or reduction is available to any person importing the article that is the subject of the duty suspension or reduction.

(6) MEMBER OF CONGRESS.—The term ''Member of Congress'' means a Senator or a Representative in, or Delegate or Resident Commissioner to, Congress.

(7) MISCELLANEOUS TARIFF BILL.—The term ''miscellaneous tariff bill'' means a bill of either House of Congress that contains only—

(A) duty suspensions and reductions that—

(i) meet the applicable requirements for—

(I) consideration of duty suspensions and reductions described in section 803; or

(II) any other process required under the Rules of the House of Representatives or the Senate; and

(ii) are not the subject of an objection because such duty suspensions and reductions do not comply with the requirements of this title from—

(I) a Member of Congress; or

(II) a domestic producer, as contained in comments submitted to the appropriate congressional committees, the Commission, or the Department of Commerce under section 803; and

(B) provisions included in bills introduced in the House of Representatives or the Senate pursuant to a process described in subparagraph (A)(i)(II) that correct an error in the text or administration of a provision of the Harmonized Tariff Schedule of the United States.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. DE MINIMIS VALUE.

(a) FINDINGS.—Congress makes the following findings:

(1) Modernizing international customs is critical for United States businesses of all sizes, consumers in the United States, and the economic growth of the United States.

(2) Higher thresholds for the value of articles that may be entered informally and free of duty provide significant economic benefits to businesses and consumers in the United States and the economy of the United States through costs savings and reductions in trade transaction costs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Trade Representative should encourage other countries, through bilateral, regional, and multilateral fora, to establish commercially meaningful de minimis values for express and postal shipments that are exempt from customs duties and taxes and from certain entry documentation requirements, as appropriate.

(c) DE MINIMIS VALUE.—Section 321(a)(2)(C) of the Tariff Act of 1930 (19 U.S.C. 1321(a)(2)(C)) is amended by striking ''$200'' and inserting ''$800''.

(d) EFFECTIVE DATE.—The amendment made by subsection (c) shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 902. CONSULTATION ON TRADE AND CUSTOMS REVENUE FUNCTIONS.

Section 401(c) of the Safety and Accountability for Every Port Act (6 U.S.C. 115(c)) is amended—

(1) in paragraph (1), by striking ''on Department policies and actions that have'' and inserting ''not later than 30 days after proposing, and not later than 30 days before finalizing, any Department policies, initiatives, or actions that will have''; and

(2) in paragraph (2)(A), by striking ''not later than 30 days prior to the finalization of'' and inserting ''not later than 60 days before proposing, and not later than 60 days before finalizing,''.

SEC. 903. PENALTIES FOR CUSTOMS BROKERS.

(a) IN GENERAL.—Section 641(d)(1) of the Tariff Act of 1930 (19 U.S.C. 1641(d)(1)) is amended—

(1) in subparagraph (E), by striking ''; or'' and inserting a semicolon;

(2) in subparagraph (F), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(G) has been convicted of committing or conspiring to commit an act of terrorism described in section 2332b of title 18, United States Code.''.

(b) TECHNICAL AMENDMENTS.—Section 641 of the Tariff Act of 1930 (19 U.S.C. 1641) is amended—

(1) by striking ''the Customs Service'' each place it appears and inserting ''U.S. Customs and Border Protection'';

(2) in subsection (d)(2)(B), by striking ''The Customs Service'' and inserting ''U.S. Customs and Border Protection''; and

(3) in subsection (g)(2)(B), by striking ''Secretary's notice'' and inserting ''notice under subparagraph (A)''.

SEC. 904. AMENDMENTS TO CHAPTER 98 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.

(a) ARTICLES EXPORTED AND RETURNED, ADVANCED OR IMPROVED ABROAD.—

(1) IN GENERAL.—U.S. Note 3 to subchapter II of chapter 98 of the Harmonized Tariff Schedule of the United States is amended by adding at the end the following:

''(f)(1) For purposes of subheadings 9802.00.40 and 9802.00.50, fungible articles exported from the United States for the purposes described in such subheadings—

''(A) may be commingled; and

''(B) the origin, value, and classification of such articles may be accounted for using an inventory management method.

''(2) If a person chooses to use an inventory management method under this paragraph with respect to fungible articles, the person shall use the same inventory management method for any other articles with respect to which the person claims fungibility under this paragraph.

''(3) For the purposes of this paragraph—

''(A) the term 'fungible articles' means merchandise or articles that, for commercial purposes, are identical or interchangeable in all situations; and

''(B) the term 'inventory management method' means any method for managing inventory that is based on generally accepted accounting principles.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection applies to articles classifiable under subheading 9802.00.40 or 9802.00.50 of the Harmonized Tariff Schedule of the United States that are entered, or withdrawn from warehouse for consumption, on or after the date that is 60 days after the date of the enactment of this Act.

(b) MODIFICATION OF PROVISIONS RELATING TO RETURNED PROPERTY.—

(1) IN GENERAL.—The article description for heading 9801.00.10 of the Harmonized Tariff Schedule of the United States is amended by inserting after ''exported'' the following: '', or any other products when returned within 3 years after having been exported''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) applies to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 60 days after the date of the enactment of this Act.

(c) DUTY-FREE TREATMENT FOR CERTAIN UNITED STATES GOVERNMENT PROPERTY RETURNED TO THE UNITED STATES.—

(1) IN GENERAL.—Subchapter I of chapter 98 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	*9801.00.11*	*United States Government property, returned to the United States without having been advanced in value or improved in condition by any means while abroad, entered by the United States Government or a contractor to the United States Government, and certified by the importer as United States Government property*	*Free*					*''.*

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) applies to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 60 days after the date of the enactment of this Act.

SEC. 905. EXEMPTION FROM DUTY OF RESIDUE OF BULK CARGO CONTAINED IN INSTRUMENTS OF INTERNATIONAL TRAFFIC PREVIOUSLY EXPORTED FROM THE UNITED STATES.

(a) IN GENERAL.—General Note 3(e) of the Harmonized Tariff Schedule of the United States is amended—

(1) in subparagraph (v), by striking ''and'' at the end;

(2) in subparagraph (vi), by adding ''and'' at the end;

(3) by inserting after subparagraph (vi) (as so amended) the following new subparagraph:

''(vii) residue of bulk cargo contained in instruments of international traffic previously exported from the United States,''; and

(4) by adding at the end of the flush text following subparagraph (vii) (as so added) the following: ''For purposes of subparagraph (vii) of this paragraph: The term 'residue' means material of bulk cargo that remains in an instrument of international traffic after the bulk cargo is removed, with a quantity, by weight or volume, not exceeding 7 percent of the bulk cargo, and with no or de minimis value. The term 'bulk cargo' means cargo that is unpackaged and is in either solid, liquid, or gaseous form. The term 'instruments of international traffic' means containers or holders, capable of and suitable for repeated use, such as lift vans, cargo vans, shipping tanks, skids, pallets, caul boards, and cores for textile fabrics, arriving (whether loaded or empty) in use or to be used in the shipment of merchandise in international traffic, and any additional articles or classes of articles that the Commissioner responsible for U.S. Customs and Border Protection designates as instruments of international traffic.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of the enactment of this Act and apply with respect to residue of bulk cargo contained in instruments of international traffic that are imported into the customs territory of the United States on or after such date of enactment and that previously have been exported from the United States.

SEC. 906. DRAWBACK AND REFUNDS.

(a) ARTICLES MADE FROM IMPORTED MERCHANDISE.—Section 313(a) of the Tariff Act of 1930 (19 U.S.C. 1313(a)) is amended by striking ''the full amount of the duties paid upon the merchandise so used shall be refunded as drawback, less 1 per centum of such duties, except that such'' and inserting ''an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l) shall be refunded as drawback, except that''.

(b) SUBSTITUTION FOR DRAWBACK PURPOSES.—Section 313(b) of the Tariff Act of 1930 (19 U.S.C. 1313(b)) is amended—

(1) by striking ''If imported'' and inserting the following:

''(1) IN GENERAL.—If imported'';

(2) by striking ''and any other merchandise (whether imported or domestic) of the same kind and quality are'' and inserting ''or merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise is'';

(3) by striking ''three years'' and inserting ''5 years'';

(4) by striking ''the receipt of such imported merchandise by the manufacturer or producer of such articles'' and inserting ''the date of importation of such imported merchandise'';

(5) by inserting ''or articles classifiable under the same 8-digit HTS subheading number as such articles,'' after ''any such articles,'';

(6) by striking ''an amount of drawback equal to'' and all that follows through the end period and inserting ''an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l), but only if those articles have not been used prior to such exportation or destruction.''; and

(7) by adding at the end the following:

''(2) REQUIREMENTS RELATING TO TRANSFER OF MERCHANDISE.—

''(A) MANUFACTURERS AND PRODUCERS.—Drawback shall be allowed under paragraph (1) with respect to an article manufactured or produced using imported merchandise or other merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise only if the manufacturer or producer of the article received such imported merchandise or such other merchandise, directly or indirectly, from the importer.

''(B) EXPORTERS AND DESTROYERS.—Drawback shall be allowed under paragraph (1) with respect to a manufactured or produced article that is exported or destroyed only if the exporter or destroyer received that article or an article classifiable under the same 8-digit HTS subheading number as that article, directly or indirectly, from the manufacturer or producer.

''(C) EVIDENCE OF TRANSFER.—Transfers of merchandise under subparagraph (A) and transfers of articles under subparagraph (B) may be evidenced by business records kept in the normal course of business and no additional certificates of transfer or manufacture shall be required.

''(3) SUBMISSION OF BILL OF MATERIALS OR FORMULA.—

''(A) IN GENERAL.—Drawback shall be allowed under paragraph (1) with respect to an article manufactured or produced using imported merchandise or other merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise only if the person making the drawback claim submits with the claim a bill of materials or formula identifying the merchandise and article by the 8-digit HTS subheading number and the quantity of the merchandise.

''(B) BILL OF MATERIALS AND FORMULA DEFINED.—In this paragraph, the terms 'bill of materials' and 'formula' mean records kept in the normal course of business that identify each component incorporated into a manufactured or produced article or that identify the quantity of each element, material, chemical, mixture, or other substance incorporated into a manufactured article.

''(4) SPECIAL RULE FOR SOUGHT CHEMICAL ELEMENTS.—

''(A) IN GENERAL.—For purposes of paragraph (1), a sought chemical element may be—

''(i) considered imported merchandise, or merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise, used in the manufacture or production of an article as described in paragraph (1); and

''(ii) substituted for source material containing that sought chemical element, without regard to whether the sought chemical element and the source material are classifiable under the same 8-digit HTS subheading number, and apportioned quantitatively, as appropriate.

''(B) SOUGHT CHEMICAL ELEMENT DEFINED.—In this paragraph, the term 'sought chemical element' means an element listed in the Periodic Table of Elements that is imported into the United States or a chemical compound consisting of those elements, either separately in elemental form or contained in source material.''.

(c) MERCHANDISE NOT CONFORMING TO SAMPLE OR SPECIFICATIONS.—Section 313(c) of the Tariff Act of 1930 (19 U.S.C. 1313(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C)(ii), by striking ''under a certificate of delivery'' each place it appears;

(B) in subparagraph (D)—

(i) by striking ''3'' and inserting ''5''; and

(ii) by striking ''the Customs Service'' and inserting ''U.S. Customs and Border Protection''; and

(C) in the flush text at the end, by striking ''the full amount of the duties paid upon such merchandise, less 1 percent,'' and inserting ''an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l)'';

(2) in paragraph (2), by striking ''the Customs Service'' and inserting ''U.S. Customs and Border Protection''; and

(3) by amending paragraph (3) to read as follows:

''(3) EVIDENCE OF TRANSFERS.—Transfers of merchandise under paragraph (1) may be evidenced by business records kept in the normal course of business and no additional certificates of transfer shall be required.''.

(d) PROOF OF EXPORTATION.—Section 313(i) of the Tariff Act of 1930 (19 U.S.C. 1313(i)) is amended to read as follows:

''(i) PROOF OF EXPORTATION.—A person claiming drawback under this section based on the exportation of an article shall provide proof of the exportation of the article. Such proof of exportation—

''(1) shall establish fully the date and fact of exportation and the identity of the exporter; and

''(2) may be established through the use of records kept in the normal course of business or through an electronic export system of the United States Government, as determined by the Commissioner responsible for U.S. Customs and Border Protection.''.

(e) UNUSED MERCHANDISE DRAWBACK.—Section 313(j) of the Tariff Act of 1930 (19 U.S.C. 1313(j)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), in the matter preceding clause (i)—

(i) by striking ''3-year'' and inserting ''5-year''; and

(ii) by inserting ''and before the drawback claim is filed'' after ''the date of importation''; and

(B) in the flush text at the end, by striking ''99 percent of the amount of each duty, tax, or fee so paid'' and inserting ''an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l)'';

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''paragraph (4)'' and inserting ''paragraphs (4), (5), and (6)'';

(B) in subparagraph (A), by striking ''commercially interchangeable with'' and inserting ''classifiable under the same 8-digit HTS subheading number as'';

(C) in subparagraph (B)—

(i) by striking ''3-year'' and inserting ''5-year''; and

(ii) by inserting ''and before the drawback claim is filed'' after ''the imported merchandise'';

(D) in subparagraph (C)(ii), by striking subclause (II) and inserting the following:

''(II) received the imported merchandise, other merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise, or any combination of such imported merchandise and such other merchandise, directly or indirectly from the person who imported and paid any duties, taxes, and fees imposed under Federal law upon importation or entry and due on the imported merchandise (and any such transferred merchandise, regardless of its origin, will be treated as the imported merchandise and any retained merchandise will be treated as domestic merchandise);''; and

(E) in the flush text at the end—

(i) by striking ''the amount of each such duty, tax, and fee'' and all that follows through ''99 percent of that duty, tax, or fee'' and inserting ''an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l) shall be refunded as drawback''; and

(ii) by striking the last sentence and inserting the following: ''Notwithstanding subparagraph (A), drawback shall be allowed under this paragraph with respect to wine if the imported wine and the exported wine are of the same color and the price variation between the imported wine and the exported wine does not exceed 50 percent. Transfers of merchandise may be evidenced by business records kept in the normal course of business and no additional certificates of transfer shall be required.'';

(3) in paragraph (3)(B), by striking ''the commercially interchangeable merchandise'' and inserting ''merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise''; and

(4) by adding at the end the following:

''(5)(A) For purposes of paragraph (2) and except as provided in subparagraph (B), merchandise may not be substituted for imported merchandise for drawback purposes based on the 8-digit HTS subheading number if the article description for the 8-digit HTS subheading number under which the imported merchandise is classified begins with the term 'other'.

''(B) In cases described in subparagraph (A), merchandise may be substituted for imported merchandise for drawback purposes if—

''(i) the other merchandise and such imported merchandise are classifiable under the same 10-digit HTS statistical reporting number; and

''(ii) the article description for that 10-digit HTS statistical reporting number does not begin with the term 'other'.

''(6)(A) For purposes of paragraph (2), a drawback claimant may use the first 8 digits of the 10-digit Schedule B number for merchandise or an article to determine if the merchandise or article is classifiable under the same 8-digit HTS subheading number as the imported merchandise, without regard to whether the Schedule B number corresponds to more than one 8-digit HTS subheading number.

''(B) In this paragraph, the term 'Schedule B' means the Department of Commerce Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States.''.

(f) LIABILITY FOR DRAWBACK CLAIMS.—Section 313(k) of the Tariff Act of 1930 (19 U.S.C. 1313(k)) is amended to read as follows:

''(k) LIABILITY FOR DRAWBACK CLAIMS.—

''(1) IN GENERAL.—Any person making a claim for drawback under this section shall be liable for the full amount of the drawback claimed.

''(2) LIABILITY OF IMPORTERS.—An importer shall be liable for any drawback claim made by another person with respect to merchandise imported by the importer in an amount equal to the lesser of—

''(A) the amount of duties, taxes, and fees that the person claimed with respect to the imported merchandise; or

''(B) the amount of duties, taxes, and fees that the importer authorized the other person to claim with respect to the imported merchandise.

''(3) JOINT AND SEVERAL LIABILITY.—Persons described in paragraphs (1) and (2) shall be jointly and severally liable for the amount described in paragraph (2).''.

(g) REGULATIONS.—Section 313(l) of the Tariff Act of 1930 (19 U.S.C. 1313(l)) is amended to read as follows:

''(l) REGULATIONS.—

''(1) IN GENERAL.—Allowance of the privileges provided for in this section shall be subject to compliance with such rules and regulations as the Secretary of the Treasury shall prescribe.

''(2) CALCULATION OF DRAWBACK.—

''(A) IN GENERAL.—Not later than the date that is 2 years after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015 (or, if later, the effective date provided for in section 906(q)(2)(B) of that Act), the Secretary shall prescribe regulations for determining the calculation of amounts refunded as drawback under this section.

''(B) REQUIREMENTS.—The regulations required by subparagraph (A) for determining the calculation of amounts refunded as drawback under this section shall provide for a refund of 99 percent of the duties, taxes, and fees paid with respect to the imported merchandise, except that where there is substitution of the merchandise or article, then—

''(i) in the case of an article that is exported, the amount of the refund shall be equal to 99 percent of the lesser of—

''(I) the amount of duties, taxes, and fees paid with respect to the imported merchandise; or

''(II) the amount of duties, taxes, and fees that would apply to the exported article if the exported article were imported; and

''(ii) in the case of an article that is destroyed, the amount of the refund shall be an amount that is—

''(I) equal to 99 percent of the lesser of—

''(aa) the amount of duties, taxes, and fees paid with respect to the imported merchandise; and

''(bb) the amount of duties, taxes, and fees that would apply to the destroyed article if the destroyed article were imported; and

''(II) reduced by the value of materials recovered during destruction as provided in subsection (x).

''(3) STATUS REPORTS ON REGULATIONS.—Not later than the date that is one year after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, and annually thereafter until the regulations required by paragraph (2) are final, the Secretary shall submit to Congress a report on the status of those regulations.''.

(h) SUBSTITUTION OF FINISHED PETROLEUM DERIVATIVES.—Section 313(p) of the Tariff Act of 1930 (19 U.S.C. 1313(p)) is amended—

(1) by striking ''Harmonized Tariff Schedule of the United States'' each place it appears and inserting ''HTS''; and

(2) in paragraph (3)(A)—

(A) in clause (ii)(III), by striking '', as so certified in a certificate of delivery or certificate of manufacture and delivery''; and

(B) in the flush text at the end—

(i) by striking '', as so designated on the certificate of delivery or certificate of manufacture and delivery''; and

(ii) by striking the last sentence and inserting the following: ''The party transferring the merchandise shall maintain records kept in the normal course of business to demonstrate the transfer.''.

(i) PACKAGING MATERIAL.—Section 313(q) of the Tariff Act of 1930 (19 U.S.C. 1313(q)) is amended—

(1) in paragraph (1), by striking ''of 99 percent of any duty, tax, or fee imposed under Federal law on such imported material'' and inserting ''in an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l)'';

(2) in paragraph (2), by striking ''of 99 percent of any duty, tax, or fee imposed under Federal law on the imported or substituted merchandise used to manufacture or produce such material'' and inserting ''in an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l)''; and

(3) in paragraph (3), by striking ''they contain'' and inserting ''it contains''.

(j) FILING OF DRAWBACK CLAIMS.—Section 313(r) of the Tariff Act of 1930 (19 U.S.C. 1313(r)) is amended—

(1) in paragraph (1)—

(A) by striking the first sentence and inserting the following: ''A drawback entry shall be filed or applied for, as applicable, not later than 5 years after the date on which merchandise on which drawback is claimed was imported.'';

(B) in the second sentence, by striking ''3-year'' and inserting ''5-year''; and

(C) in the third sentence, by striking ''the Customs Service'' and inserting ''U.S. Customs and Border Protection'';

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''The Customs Service'' and inserting ''U.S. Customs and Border Protection'';

(ii) in clauses (i) and (ii), by striking ''the Customs Service'' each place it appears and inserting ''U.S. Customs and Border Protection''; and

(iii) in clause (ii)(I), by striking ''3-year'' and inserting ''5-year''; and

(B) in subparagraph (B), by striking ''the periods of time for retaining records set forth in subsection (t) of this section and'' and inserting ''the period of time for retaining records set forth in''; and

(3) by adding at the end the following:

''(4) All drawback claims filed on and after the date that is 2 years after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015 (or, if later, the effective date provided for in section 906(q)(2)(B) of that Act) shall be filed electronically.''.

(k) DESIGNATION OF MERCHANDISE BY SUCCESSOR.—Section 313(s) of the Tariff Act of 1930 (19 U.S.C. 1313(s)) is amended—

(1) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) subject to paragraphs (5) and (6) of subsection (j), imported merchandise, other merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise, or any combination of such imported merchandise and such other merchandise, that the predecessor received, before the date of succession, from the person who imported and paid any duties, taxes, and fees due on the imported merchandise;''; and

(2) in paragraph (4), by striking ''certifies that'' and all that follows and inserting ''certifies that the transferred merchandise was not and will not be claimed by the predecessor.''.

(l) DRAWBACK CERTIFICATES.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by striking subsection (t).

(m) DRAWBACK FOR RECOVERED MATERIALS.—Section 313(x) of the Tariff Act of 1930 (19 U.S.C. 1313(x)) is amended by striking ''and (c)'' and inserting ''(c), and (j)''.

(n) DEFINITIONS.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end the following:

''(z) DEFINITIONS.—In this section:

''(1) DIRECTLY.—The term 'directly' means a transfer of merchandise or an article from one person to another person without any intermediate transfer.

''(2) HTS.—The term 'HTS' means the Harmonized Tariff Schedule of the United States.

''(3) INDIRECTLY.—The term 'indirectly' means a transfer of merchandise or an article from one person to another person with one or more intermediate transfers.''.

(o) RECORDKEEPING.—Section 508(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1508(c)(3)) is amended—

(1) by striking ''3rd'' and inserting ''5th''; and

(2) by striking ''payment'' and inserting ''liquidation''.

(p) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—

(1) IN GENERAL.—Not later than one year after the issuance of the regulations required by subsection (l)(2) of section 313 of the Tariff Act of 1930, as added by subsection (g), the Comptroller General of the United States shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the modernization of drawback and refunds under section 313 of the Tariff Act of 1930, as amended by this section.

(2) CONTENTS.—The report required by paragraph (1) include the following:

(A) An assessment of the modernization of drawback and refunds under section 313 of the Tariff Act of 1930, as amended by this section.

(B) A description of drawback claims that were permissible before the effective date provided for in subsection (q) that are not permissible after that effective date and an identification of industries most affected.

(C) A description of drawback claims that were not permissible before the effective date provided for in subsection (q) that are permissible after that effective date and an identification of industries most affected.

(q) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall—

(A) take effect on the date of the enactment of this Act; and

(B) except as provided in paragraphs (2)(B) and (3), apply to drawback claims filed on or after the date that is 2 years after such date of enactment.

(2) REPORTING OF OPERABILITY OF AUTOMATED COMMERCIAL ENVIRONMENT COMPUTER SYSTEM.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and not later than 2 years after such date of enactment, the Secretary of the Treasury shall submit to Congress a report on—

(i) the date on which the Automated Commercial Environment will be ready to process drawback claims; and

(ii) the date on which the Automated Export System will be ready to accept proof of exportation under subsection (i) of section 313 of the Tariff Act of 1930, as amended by subsection (d).

(B) DELAY OF EFFECTIVE DATE.—If the Secretary indicates in the report required by subparagraph (A) that the Automated Commercial Environment will not be ready to process drawback claims by the date that is 2 years after the date of the enactment of this Act, the amendments made by this section shall apply to drawback claims filed on and after the date on which the Secretary certifies that the Automated Commercial Environment is ready to process drawback claims.

(3) TRANSITION RULE.—During the one-year period beginning on the date that is 2 years after the date of the enactment of this Act (or, if later, the effective date provided for in paragraph (2)(B)), a person may elect to file a claim for drawback under—

(A) section 313 of the Tariff Act of 1930, as amended by this section; or

(B) section 313 of the Tariff Act of 1930, as in effect on the day before the date of the enactment of this Act.

SEC. 907. INCLUSION OF CERTAIN INFORMATION IN SUBMISSION OF NOMINATION FOR APPOINTMENT AS DEPUTY UNITED STATES TRADE REPRESENTATIVE.

Section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)) is amended by adding at the end the following:

''(5) When the President submits to the Senate for its advice and consent a nomination of an individual for appointment as a Deputy United States Trade Representative under paragraph (2), the President shall include in that submission information on the country, regional offices, and functions of the Office of the United States Trade Representative with respect to which that individual will have responsibility.''.

SEC. 908. BIENNIAL REPORTS REGARDING COMPETITIVENESS ISSUES FACING THE UNITED STATES ECONOMY AND COMPETITIVE CONDITIONS FOR CERTAIN KEY UNITED STATES INDUSTRIES.

(a) IN GENERAL.—The United States International Trade Commission shall conduct a series of investigations, and submit a report on each such investigation in accordance with subsection (c), regarding competitiveness issues facing the economy of the United States and competitive conditions for certain key United States industries.

(b) CONTENTS OF REPORT.—

(1) IN GENERAL.—Each report required by subsection (a) shall include, to the extent practicable, the following:

(A) A detailed assessment of competitiveness issues facing the economy of the United States, over the 10-year period beginning on the date on which the report is submitted, that includes—

(i) projections, over that 10-year period, of economic measures, such as measures relating to production in the United States and United States trade, for the economy of the United States and for key United States industries, based on ongoing trends in the economy of the United States and global economies and incorporating estimates from prominent United States, foreign, multinational, and private sector organizations; and

(ii) a description of factors that drive economic growth, such as domestic productivity, the United States workforce, foreign demand for United States goods and services, and industry-specific developments.

(B) A detailed assessment of a key United States industry or key United States industries that, to the extent practicable—

(i) identifies with respect to each such industry the principal factors driving competitiveness as of the date on which the report is submitted; and

(ii) describes, with respect to each such industry, the structure of the global industry, its market characteristics, current industry trends, relevant policies and programs of foreign governments, and principal factors affecting future competitiveness.

(2) SELECTION OF KEY UNITED STATES INDUSTRIES.—

(A) IN GENERAL.—In conducting assessments required under paragraph (1)(B), the Commission shall, to the extent practicable, select a different key United States industry or different key United States industries for purposes of each report required by subsection (a).

(B) CONSULTATIONS WITH CONGRESS.—The Commission shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives before selecting the key United States industry or key United States industries for purposes of each report required by subsection (a).

(c) SUBMISSION OF REPORTS.—

(1) IN GENERAL.—Not later than May 15, 2017, and every 2 years thereafter through 2025, the Commission shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the most recent investigation conducted under subsection (a).

(2) EXTENSION OF DEADLINE.—The Commission may, after consultation with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, submit a report under paragraph (1) later than the date required by that paragraph.

(3) CONFIDENTIAL BUSINESS INFORMATION.—A report submitted under paragraph (1) shall not include any confidential business information unless—

(A) the party that submitted the confidential business information to the Commission had notice, at the time of submission, that the information would be released by the Commission; or

(B) that party consents to the release of the information.

(d) KEY UNITED STATES INDUSTRY DEFINED.—In this section, the term ''key United States industry'' means a goods or services industry that—

(1) contributes significantly to United States economic activity and trade; or

(2) is a potential growth area for the United States and global markets.

SEC. 909. REPORT ON CERTAIN U.S. CUSTOMS AND BORDER PROTECTION AGREEMENTS.

(a) IN GENERAL.—Not later than one year after entering into an agreement under a program specified in subsection (b), and annually thereafter until the termination of the program, the Commissioner shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that includes the following:

(1) A description of the development of the program.

(2) A description of the type of entity with which U.S. Customs and Border Protection entered into the agreement and the amount that entity reimbursed U.S. Customs and Border Protection under the agreement.

(3) An identification of the type of port of entry to which the agreement relates and an assessment of how the agreement provides economic benefits at the port of entry.

(4) A description of the services provided by U.S. Customs and Border Protection under the agreement during the year preceding the submission of the report.

(5) The amount of fees collected under the agreement during that year.

(6) A detailed accounting of how the fees collected under the agreement have been spent during that year.

(7) A summary of any complaints or criticism received by U.S. Customs and Border Protection during that year regarding the agreement.

(8) An assessment of the compliance of the entity described in paragraph (2) with the terms of the agreement.

(9) Recommendations with respect to how activities conducted pursuant to the agreement could function more effectively or better produce economic benefits.

(10) A summary of the benefits to and challenges faced by U.S. Customs and Border Protection and the entity described in paragraph (2) under the agreement.

(b) PROGRAM SPECIFIED.—A program specified in this subsection is—

(1) the program for entering into reimbursable fee agreements for the provision of U.S. Customs and Border Protection services established by section 560 of the Department of Homeland Security Appropriations Act, 2013 (division D of Public Law 113–6; 127 Stat. 378); or

(2) the pilot program authorizing U.S. Customs and Border Protection to enter into partnerships with private sector and government entities at ports of entry established by section 559 of the Department of Homeland Security Appropriations Act, 2014 (division F of Public Law 113–76; 6 U.S.C. 211 note).

SEC. 910. CHARTER FLIGHTS.

Section 13031(e)(1) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(e)(1)) is amended—

(1) by striking ''(1) Notwithstanding section 451 of the Tariff Act of 1930 (19 U.S.C. 1451) or any other provision of law (other than paragraph (2))'' and inserting the following:

''(1)(A) Notwithstanding section 451 of the Tariff Act of 1930 (19 U.S.C. 1451) or any other provision of law (other than subparagraph (B) and paragraph (2))''; and

(2) by adding at the end the following:

''(B)(i) An appropriate officer of U.S. Customs and Border Protection may assign a sufficient number of employees of U.S. Customs and Border Protection (if available) to perform services described in clause (ii) for a charter air carrier (as defined in section 40102 of title 49, United States Code) for a charter flight arriving after normal operating hours at an airport that is an established port of entry serviced by U.S. Customs and Border Protection, notwithstanding that overtime funds for those services are not available, if the charter air carrier—

''(I) not later than 4 hours before the flight arrives, specifically requests that such services be provided; and

''(II) pays any overtime fees incurred in connection with such services.

''(ii) Services described in this clause are customs services for passengers and their baggage or any other such service that could lawfully be performed during regular hours of operation.''.

SEC. 911. AMENDMENT TO TARIFF ACT OF 1930 TO REQUIRE COUNTRY OF ORIGIN MARKING OF CERTAIN CASTINGS.

(a) IN GENERAL.—Section 304(e) of the Tariff Act of 1930 (19 U.S.C. 1304(e)) is amended—

(1) in the subsection heading, by striking ''MANHOLE RINGS OR FRAMES, COVERS, AND ASSEMBLIES THEREOF'' and inserting ''CASTINGS'';

(2) by inserting ''inlet frames, tree and trench grates, lampposts, lamppost bases, cast utility poles, bollards, hydrants, utility boxes,'' before ''manhole rings,''; and

(3) by adding at the end before the period the following: ''in a location such that it will remain visible after installation''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of the enactment of this Act and apply with respect to the importation of castings described in such amendments on or after the date that is 180 days after such date of enactment.

SEC. 912. ELIMINATION OF CONSUMPTIVE DEMAND EXCEPTION TO PROHIBITION ON IMPORTATION OF GOODS MADE WITH CONVICT LABOR, FORCED LABOR, OR INDENTURED LABOR; REPORT.

(a) ELIMINATION OF CONSUMPTIVE DEMAND EXCEPTION.—

(1) IN GENERAL.—Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended by striking ''The provisions of this section'' and all that follows through ''of the United States.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 15 days after the date of the enactment of this Act.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Commissioner shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on compliance with section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) that includes the following:

(1) The number of instances in which merchandise was denied entry pursuant to that section during the 1-year period preceding the submission of the report.

(2) A description of the merchandise denied entry pursuant to that section.

(3) Such other information as the Commissioner considers appropriate with respect to monitoring and enforcing compliance with that section.

SEC. 913. IMPROVED COLLECTION AND USE OF LABOR MARKET INFORMATION.

Section 1137 of the Social Security Act (42 U.S.C. 1320b–7) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting ''(including the occupational information under subsection (g))'' after ''paragraph (3) of this subsection''; and

(B) in paragraph (3), by striking ''employers (as defined'' and inserting ''subject to subsection (g), employers (as defined''; and

(2) by adding at the end the following new subsection:

''(g)(1) Beginning January 1, 2017, each quarterly wage report required to be submitted by an employer under subsection (a)(3) shall include such occupational information with respect to each employee of the employer that permits the classification of such employees into occupational categories as found in the Standard Occupational Classification (SOC) system.

''(2) The State agency receiving the occupational information described in paragraph (1) shall make such information available to the Secretary of Labor pursuant to procedures established by the Secretary of Labor.

''(3)(A) The Secretary of Labor shall make occupational information submitted under paragraph (2) available to other State and Federal agencies, including the United States Census Bureau, the Bureau of Labor Statistics, and other State and Federal research agencies.

''(B) Disclosure of occupational information under subparagraph (A) shall be subject to the agency having safeguards in place that meet the requirements under paragraph (4).

''(4) The Secretary of Labor shall establish and implement safeguards for the dissemination and, subject to paragraph (5), the use of occupational information received under this subsection.

''(5) Occupational information received under this subsection shall only be used to classify employees into occupational categories as found in the Standard Occupational Classification (SOC) system and to analyze and evaluate occupations in order to improve the labor market for workers and industries.

''(6) The Secretary of Labor shall establish procedures to verify the accuracy of information received under paragraph (2).''.

SEC. 914. STATEMENTS OF POLICY WITH RESPECT TO ISRAEL.

Congress—

(1) supports the strengthening of United States-Israel economic cooperation and recognizes the tremendous strategic, economic, and technological value of cooperation with Israel;

(2) recognizes the benefit of cooperation with Israel to United States companies, including by improving United States competitiveness in global markets;

(3) recognizes the importance of trade and commercial relations to the pursuit and sustainability of peace, and supports efforts to bring together the United States, Israel, the Palestinian territories, and others in enhanced commerce;

(4) opposes politically motivated actions that penalize or otherwise limit commercial relations specifically with Israel such as boycotts, divestment or sanctions;

(5) notes that the boycott, divestment, and sanctioning of Israel by governments, governmental bodies, quasi-governmental bodies, international organizations, and other such entities is contrary to the General Agreement on Tariffs and Trade (GATT) principle of nondiscrimination;

(6) encourages the inclusion of politically motivated actions that penalize or otherwise limit commercial relations specifically with Israel such as boycotts, divestment from, or sanctions against Israel as a topic of discussion at the U.S.-Israel Joint Economic Development Group (JEDG) and other areas to support the strengthening of the United States–Israel commercial relationship and combat any commercial discrimination against Israel;

(7) supports efforts to prevent investigations or prosecutions by governments or international organizations of United States persons on the sole basis of such persons doing business with Israel, with Israeli entities, or in territories controlled by Israel; and

(8) supports States of the United States examining a company's promotion or compliance with unsanctioned boycotts, divestment from, or sanctions against Israel as part of its consideration in awarding grants and contracts and supports the divestment of State assets from companies that support or promote actions to boycott, divest from, or sanction Israel.

TITLE X—OFFSETS

SEC. 1001. REVOCATION OR DENIAL OF PASSPORT IN CASE OF CERTAIN UNPAID TAXES.

(a) IN GENERAL.—Subchapter D of chapter 75 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 7345. REVOCATION OR DENIAL OF PASSPORT IN CASE OF CERTAIN TAX DELINQUENCIES.

''(a) IN GENERAL.—If the Secretary receives certification by the Commissioner of Internal Revenue that any individual has a seriously delinquent tax debt in an amount in excess of $50,000, the Secretary shall transmit such certification to the Secretary of State for action with respect to denial, revocation, or limitation of a passport pursuant to section 1001(d) of the Trade Facilitation and Trade Enforcement Act of 2015.

''(b) SERIOUSLY DELINQUENT TAX DEBT.—For purposes of this section, the term 'seriously delinquent tax debt' means an outstanding debt under this title for which a notice of lien has been filed in public records pursuant to section 6323 or a notice of levy has been filed pursuant to section 6331, except that such term does not include—

''(1) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122, and

''(2) a debt with respect to which collection is suspended because a collection due process hearing under section 6330, or relief under subsection (b), (c), or (f) of section 6015, is requested or pending.

''(c) ADJUSTMENT FOR INFLATION.—In the case of a calendar year beginning after 2016, the dollar amount in subsection (a) shall be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2015' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the next highest multiple of $1,000.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter D of chapter 75 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 7345. Revocation or denial of passport in case of certain tax delinquencies.''.

(c) AUTHORITY FOR INFORMATION SHARING.—

(1) IN GENERAL.—Subsection (l) of section 6103 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(23) DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF STATE FOR PURPOSES OF PASSPORT REVOCATION UNDER SECTION 7345.—

''(A) IN GENERAL.—The Secretary shall, upon receiving a certification described in section 7345, disclose to the Secretary of State return information with respect to a taxpayer who has a seriously delinquent tax debt described in such section. Such return information shall be limited to—

''(i) the taxpayer identity information with respect to such taxpayer, and

''(ii) the amount of such seriously delinquent tax debt.

''(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of State for the purposes of, and to the extent necessary in, carrying out the requirements of section 1001(d) of the Trade Facilitation and Trade Enforcement Act of 2015.''.

(2) CONFORMING AMENDMENT.—Paragraph (4) of section 6103(p) of such Code is amended by striking ''or (22)'' each place it appears in subparagraph (F)(ii) and in the matter preceding subparagraph (A) and inserting ''(22), or (23)''.

(d) AUTHORITY TO DENY OR REVOKE PASSPORT.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving a certification described in section 7345 of the Internal Revenue Code of 1986 from the Secretary of the Treasury, the Secretary of State shall not issue a passport to any individual who has a seriously delinquent tax debt described in such section.

(B) EMERGENCY AND HUMANITARIAN SITUATIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport, in emergency circumstances or for humanitarian reasons, to an individual described in such subparagraph.

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1)(A).

(B) LIMITATION FOR RETURN TO UNITED STATES.—If the Secretary of State decides to revoke a passport under subparagraph (A), the Secretary of State, before revocation, may—

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only permits return travel to the United States.

(3) HOLD HARMLESS.—The Secretary of the Treasury and the Secretary of State shall not be liable to an individual for any action with respect to a certification by the Commissioner of Internal Revenue under section 7345 of the Internal Revenue Code of 1986.

(e) REVOCATION OR DENIAL OF PASSPORT IN CASE OF INDIVIDUAL WITHOUT SOCIAL SECURITY ACCOUNT NUMBER.—

(1) DENIAL.—

(A) IN GENERAL.—Except as provided under subparagraph (B), upon receiving an application for a passport from an individual that either—

(i) does not include the social security account number issued to that individual, or

(ii) includes an incorrect or invalid social security number willfully, intentionally, negligently, or recklessly provided by such individual,

the Secretary of State is authorized to deny such application and is authorized to not issue a passport to the individual.

(B) EMERGENCY AND HUMANITARIAN SITUATIONS.—Notwithstanding subparagraph (A), the Secretary of State may issue a passport, in emergency circumstances or for humanitarian reasons, to an individual described in subparagraph (A).

(2) REVOCATION.—

(A) IN GENERAL.—The Secretary of State may revoke a passport previously issued to any individual described in paragraph (1)(A).

(B) LIMITATION FOR RETURN TO UNITED STATES.—If the Secretary of State decides to revoke a passport under subparagraph (A), the Secretary of State, before revocation, may—

(i) limit a previously issued passport only for return travel to the United States; or

(ii) issue a limited passport that only permits return travel to the United States.

(f) EFFECTIVE DATE.—The provisions of, and amendments made by, this section shall take effect on January 1, 2016.

SEC. 1002. CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by adding at the end the following:

''(C) Fees may be charged under paragraphs (9) and (10) of subsection (a) during the period beginning on July 8, 2025, and ending on July 28, 2025.''.

(b) RATE FOR MERCHANDISE PROCESSING FEES.—Section 503 of the United States–Korea Free Trade Agreement Implementation Act (Public Law 112–41; 125 Stat. 460) is amended—

(1) by striking ''For the period'' and inserting ''(a) IN GENERAL.—For the period''; and

(2) by adding at the end the following:

''(b) ADDITIONAL PERIOD.—For the period beginning on July 1, 2025, and ending on July 14, 2025, section 13031(a)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)) shall be applied and administered—

''(1) in subparagraph (A), by substituting '0.3464' for '0.21'; and

''(2) in subparagraph (B)(i), by substituting '0.3464' for '0.21'.''.

Amend the title so as to read: ''An Act to reauthorize trade facilitation and trade enforcement functions and activities, and for other purposes.''.

MOTION OFFERED BY MR. TIBERI

Mr. TIBERI. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Tiberi moves that the House concur in the Senate amendment to the title of H.R. 644 and concur in the Senate amendment to the text of H.R. 644 with the amendment printed in part A of House Report 114–146 modified by the amendment printed in part B of that report.

The text of the House amendment to the Senate amendments to the text is as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Trade Facilitation and Trade Enforcement Act of 2015''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) AUTOMATED COMMERCIAL ENVIRONMENT.—The term ''Automated Commercial Environment'' means the Automated Commercial Environment computer system authorized under section 13031(f)(4) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(4)).

(2) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of U.S. Customs and Border Protection, as described in section 411(b) of the Homeland Security Act of 2002, as added by section 802(a) of this Act.

(3) CUSTOMS AND TRADE LAWS OF THE UNITED STATES.—The term ''customs and trade laws of the United States'' includes the following:

(A) The Tariff Act of 1930 (19 U.S.C. 1202 et seq.).

(B) Section 249 of the Revised Statutes (19 U.S.C. 3).

(C) Section 2 of the Act of March 4, 1923 (42 Stat. 1453, chapter 251; 19 U.S.C. 6).

(D) The Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2071 et seq.).

(E) Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c).

(F) Section 251 of the Revised Statutes (19 U.S.C. 66).

(G) Section 1 of the Act of June 26, 1930 (46 Stat. 817, chapter 617; 19 U.S.C. 68).

(H) The Foreign Trade Zones Act (19 U.S.C. 81a et seq.).

(I) Section 1 of the Act of March 2, 1911 (36 Stat. 965, chapter 191; 19 U.S.C. 198).

(J) The Trade Act of 1974 (19 U.S.C. 2102 et seq.).

(K) The Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.).

(L) The North American Free Trade Agreement Implementation Act (19 U.S.C. 3301 et seq.).

(M) The Uruguay Round Agreements Act (19 U.S.C. 3501 et seq.).

(N) The Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.).

(O) The Andean Trade Preference Act (19 U.S.C. 3201 et seq.).

(P) The African Growth and Opportunity Act (19 U.S.C. 3701 et seq.).

(Q) The Customs Enforcement Act of 1986 (Public Law 99–570; 100 Stat. 3207–79).

(R) The Customs and Trade Act of 1990 (Public Law 101–382; 104 Stat. 629).

(S) The Customs Procedural Reform and Simplification Act of 1978 (Public Law 95–410; 92 Stat. 888).

(T) The Trade Act of 2002 (Public Law 107–210; 116 Stat. 933).

(U) The Convention on Cultural Property Implementation Act (19 U.S.C. 2601 et seq.).

(V) The Act of March 28, 1928 (45 Stat. 374, chapter 266; 19 U.S.C. 2077 et seq.).

(W) The Act of August 7, 1939 (53 Stat. 1263, chapter 566).

(X) Any other provision of law implementing a trade agreement.

(Y) Any other provision of law vesting customs revenue functions in the Secretary of the Treasury.

(Z) Any other provision of law relating to trade facilitation or trade enforcement that is administered by U.S. Customs and Border Protection on behalf of any Federal agency that is required to participate in the International Trade Data System.

(AA) Any other provision of customs or trade law administered by U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement.

(4) PRIVATE SECTOR ENTITY.—The term ''private sector entity'' means—

(A) an importer;

(B) an exporter;

(C) a forwarder;

(D) an air, sea, or land carrier or shipper;

(E) a contract logistics provider;

(F) a customs broker; or

(G) any other person (other than an employee of a government) affected by the implementation of the customs and trade laws of the United States.

(5) TRADE ENFORCEMENT.—The term ''trade enforcement'' means the enforcement of the customs and trade laws of the United States.

(6) TRADE FACILITATION.—The term ''trade facilitation'' refers to policies and activities of U.S. Customs and Border Protection with respect to facilitating the movement of merchandise into and out of the United States in a manner that complies with the customs and trade laws of the United States.

TITLE I—TRADE FACILITATION AND TRADE ENFORCEMENT

SEC. 101. IMPROVING PARTNERSHIP PROGRAMS.

(a) IN GENERAL.—In order to advance the security, trade enforcement, and trade facilitation missions of U.S. Customs and Border Protection, the Commissioner shall ensure that partnership programs of U.S. Customs and Border Protection established before the date of the enactment of this Act, such as the Customs–Trade Partnership Against Terrorism established under subtitle B of title II of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 961 et seq.), and partnership programs of U.S. Customs and Border Protection established on or after such date of enactment, provide trade benefits to private sector entities that meet the requirements for participation in those programs established by the Commissioner under this section.

(b) ELEMENTS.—In developing and operating partnership programs under subsection (a), the Commissioner shall—

(1) consult with private sector entities, the public, and other Federal agencies when appropriate, to ensure that participants in those programs receive commercially significant and measurable trade benefits, including providing pre-clearance of merchandise for qualified persons that demonstrate the highest levels of compliance with the customs and trade laws of the United States, regulations of U.S. Customs and Border Protection, and other requirements the Commissioner determines to be necessary;

(2) ensure an integrated and transparent system of trade benefits and compliance requirements for all partnership programs of U.S. Customs and Border Protection;

(3) consider consolidating partnership programs in situations in which doing so would support the objectives of such programs, increase participation in such programs, enhance the trade benefits provided to participants in such programs, and enhance the allocation of the resources of U.S. Customs and Border Protection;

(4) coordinate with the Director of U.S. Immigration and Customs Enforcement, and other Federal agencies with authority to detain and release merchandise entering the United States—

(A) to ensure coordination in the release of such merchandise through the Automated Commercial Environment, or its predecessor, and the International Trade Data System;

(B) to ensure that the partnership programs of those agencies are compatible with the partnership programs of U.S. Customs and Border Protection;

(C) to develop criteria for authorizing the release, on an expedited basis, of merchandise for which documentation is required from one or more of those agencies to clear or license the merchandise for entry into the United States; and

(D) to create pathways, within and among the appropriate Federal agencies, for qualified persons that demonstrate the highest levels of compliance with the customs and trade laws of the United States to receive immediate clearance absent information that a transaction may pose a national security or compliance threat; and

(5) ensure that trade benefits are provided to participants in partnership programs.

(c) REPORT REQUIRED.—Not later than the date that is 180 days after the date of the enactment of this Act, and not later than December 31 of each calendar year thereafter, the Commissioner shall submit to the appropriate congressional committees a report that—

(1) identifies each partnership program referred to in subsection (a);

(2) for each such program, identifies—

(A) the requirements for participants in the program;

(B) the commercially significant and measurable trade benefits provided to participants in the program;

(C) the number of participants in the program; and

(D) in the case of a program that provides for participation at multiple tiers, the number of participants at each such tier;

(3) identifies the number of participants enrolled in more than one such partnership program;

(4) assesses the effectiveness of each such partnership program in advancing the security, trade enforcement, and trade facilitation missions of U.S. Customs and Border Protection, based on historical developments, the level of participation in the program, and the evolution of benefits provided to participants in the program;

(5) summarizes the efforts of U.S. Customs and Border Protection to work with other Federal agencies with authority to detain and release merchandise entering the United States to ensure that partnership programs of those agencies are compatible with partnership programs of U.S. Customs and Border Protection;

(6) summarizes criteria developed with those agencies for authorizing the release, on an expedited basis, of merchandise for which documentation is required from one or more of those agencies to clear or license the merchandise for entry into the United States;

(7) summarizes the efforts of U.S. Customs and Border Protection to work with private sector entities and the public to develop and improve partnership programs referred to in subsection (a);

(8) describes measures taken by U.S. Customs and Border Protection to make private sector entities aware of the trade benefits available to participants in such programs; and

(9) summarizes the plans, targets, and goals of U.S. Customs and Border Protection with respect to such programs for the 2 years following the submission of the report.

SEC. 102. REPORT ON EFFECTIVENESS OF TRADE ENFORCEMENT ACTIVITIES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the effectiveness of trade enforcement activities of U.S. Customs and Border Protection.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) a description of the use of resources, results of audits and verifications, targeting, organization, and training of personnel of U.S. Customs and Border Protection; and

(2) a description of trade enforcement activities to address undervaluation, transshipment, legitimacy of entities making entry, protection of revenues, fraud prevention and detection, and penalties, including intentional misclassification, inadequate bonding, and other misrepresentations.

SEC. 103. PRIORITIES AND PERFORMANCE STANDARDS FOR CUSTOMS MODERNIZATION, TRADE FACILITATION, AND TRADE ENFORCEMENT FUNCTIONS AND PROGRAMS.

(a) PRIORITIES AND PERFORMANCE STANDARDS.—

(1) IN GENERAL.—The Commissioner, in consultation with the appropriate congressional committees, shall establish priorities and performance standards to measure the development and levels of achievement of the customs modernization, trade facilitation, and trade enforcement functions and programs described in subsection (b).

(2) MINIMUM PRIORITIES AND STANDARDS.—Such priorities and performance standards

shall, at a minimum, include priorities and standards relating to efficiency, outcome, output, and other types of applicable measures.

(b) FUNCTIONS AND PROGRAMS DESCRIBED.—The functions and programs referred to in subsection (a) are the following:

(1) The Automated Commercial Environment.

(2) Each of the priority trade issues described in section 118.

(3) The Centers of Excellence and Expertise described in section 110.

(4) Drawback for exported merchandise under section 313 of the Tariff Act of 1930 (19 U.S.C. 1313), as amended by section 906 of this Act.

(5) Transactions relating to imported merchandise in bond.

(6) Collection of countervailing duties assessed under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) and antidumping duties assessed under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.).

(7) The expedited clearance of cargo.

(8) The issuance of regulations and rulings.

(9) The issuance of Regulatory Audit Reports.

(c) CONSULTATIONS AND NOTIFICATION.—

(1) CONSULTATIONS.—The consultations required by subsection (a)(1) shall occur, at a minimum, on an annual basis.

(2) NOTIFICATION.—The Commissioner shall notify the appropriate congressional committees of any changes to the priorities referred to in subsection (a) not later than 30 days before such changes are to take effect.

SEC. 104. EDUCATIONAL SEMINARS TO IMPROVE EFFORTS TO CLASSIFY AND APPRAISE IMPORTED ARTICLES, TO IMPROVE TRADE ENFORCEMENT EFFORTS, AND TO OTHERWISE FACILITATE LEGITIMATE INTERNATIONAL TRADE.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Commissioner and the Director shall establish and carry out on a fiscal year basis educational seminars to—

(A) improve the ability of U.S. Customs and Border Protection personnel to classify and appraise articles imported into the United States in accordance with the customs and trade laws of the United States;

(B) improve the trade enforcement efforts of U.S. Customs and Border Protection personnel and U.S. Immigration and Customs Enforcement personnel; and

(C) otherwise improve the ability and effectiveness of U.S. Customs and Border Protection personnel and U.S. Immigration and Customs Enforcement personnel to facilitate legitimate international trade.

(b) CONTENT.—

(1) CLASSIFYING AND APPRAISING IMPORTED ARTICLES.—In carrying out subsection (a)(1)(A), the Commissioner, the Director, and interested parties in the private sector selected under subsection (c) shall provide instruction and related instructional materials at each educational seminar under this section to U.S. Customs and Border Protection personnel and, as appropriate, to U.S. Immigration and Customs Enforcement personnel on the following:

(A) Conducting a physical inspection of an article imported into the United States, including testing of samples of the article, to determine if the article is mislabeled in the manifest or other accompanying documentation.

(B) Reviewing the manifest and other accompanying documentation of an article imported into the United States to determine if the country of origin of the article listed in the manifest or other accompanying documentation is accurate.

(C) Customs valuation.

(D) Industry supply chains and other related matters as determined to be appropriate by the Commissioner.

(2) TRADE ENFORCEMENT EFFORTS.—In carrying out subsection (a)(1)(B), the Commissioner, the Director, and interested parties in the private sector selected under subsection (c) shall provide instruction and related instructional materials at each educational seminar under this section to U.S. Customs and Border Protection personnel and, as appropriate, to U.S. Immigration and Customs Enforcement personnel to identify opportunities to enhance enforcement of the following:

(A) Collection of countervailing duties assessed under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) and antidumping duties assessed under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.).

(B) Addressing evasion of duties on imports of textiles.

(C) Protection of intellectual property rights.

(D) Enforcement of child labor laws.

(3) APPROVAL OF COMMISSIONER AND DIRECTOR.—The instruction and related instructional materials at each educational seminar under this section shall be subject to the approval of the Commissioner and the Director.

(c) SELECTION PROCESS.—

(1) IN GENERAL.—The Commissioner shall establish a process to solicit, evaluate, and select interested parties in the private sector for purposes of assisting in providing instruction and related instructional materials described in subsection (b) at each educational seminar under this section.

(2) CRITERIA.—The Commissioner shall evaluate and select interested parties in the private sector under the process established under paragraph (1) based on—

(A) availability and usefulness;

(B) the volume, value, and incidence of mislabeling or misidentification of origin of imported articles; and

(C) other appropriate criteria established by the Commissioner.

(3) PUBLIC AVAILABILITY.—The Commissioner and the Director shall publish in the Federal Register a detailed description of the process established under paragraph (1) and the criteria established under paragraph (2).

(d) SPECIAL RULE FOR ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—

(1) IN GENERAL.—The Commissioner shall give due consideration to carrying out an educational seminar under this section in whole or in part to improve the ability of U.S. Customs and Border Protection personnel to enforce a countervailing or antidumping duty order issued under section 706 or 736 of the Tariff Act of 1930 (19 U.S.C. 1671e or 1673e) upon the request of a petitioner in an action underlying such countervailing or antidumping duty order.

(2) INTERESTED PARTY.—A petitioner described in paragraph (1) shall be treated as an interested party in the private sector for purposes of the requirements of this section.

(e) PERFORMANCE STANDARDS.—The Commissioner and the Director shall establish performance standards to measure the development and level of achievement of educational seminars under this section.

(f) REPORTING.—Beginning September 30, 2016, the Commissioner and the Director shall submit to the appropriate congressional committees an annual report on the effectiveness of educational seminars under this section.

(g) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of U.S. Immigration and Customs Enforcement.

(2) UNITED STATES.—The term ''United States'' means the customs territory of the United States, as defined in General Note 2 to the Harmonized Tariff Schedule of the United States.

(3) U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.—The term ''U.S. Customs and Border Protection personnel'' means import specialists, auditors, and other appropriate employees of the U.S. Customs and Border Protection.

(4) U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT PERSONNEL.—The term ''U.S. Immigration and Customs Enforcement personnel'' means Homeland Security Investigations Directorate personnel and other appropriate employees of U.S. Immigration and Customs Enforcement.

SEC. 105. JOINT STRATEGIC PLAN.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and every 2 years thereafter, the Commissioner and the Director of U.S. Immigration and Customs Enforcement shall jointly develop and submit to the appropriate congressional committees a joint strategic plan.

(b) CONTENTS.—The joint strategic plan required under this section shall be comprised of a comprehensive multi-year plan for trade enforcement and trade facilitation, and shall include—

(1) a summary of actions taken during the 2-year period preceding the submission of the plan to improve trade enforcement and trade facilitation, including a description and analysis of specific performance measures to evaluate the progress of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement in meeting each such responsibility;

(2) a statement of objectives and plans for further improving trade enforcement and trade facilitation;

(3) a specific identification of the priority trade issues described in section 118, that can be addressed in order to enhance trade enforcement and trade facilitation, and a description of strategies and plans for addressing each such issue;

(4) a description of efforts made to improve consultation and coordination among and within Federal agencies, and in particular between U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, regarding trade enforcement and trade facilitation;

(5) a description of the training that has occurred to date within U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to improve trade enforcement and trade facilitation, including training under section 104;

(6) a description of efforts to work with the World Customs Organization and other international organizations, in consultation with other Federal agencies as appropriate, with respect to enhancing trade enforcement and trade facilitation;

(7) a description of U.S. Custom and Border Protection organizational benchmarks for optimizing staffing and wait times at ports of entry;

(8) a specific identification of any domestic or international best practices that may further improve trade enforcement and trade facilitation;

(9) any legislative recommendations to further improve trade enforcement and trade facilitation; and

(10) a description of efforts made to improve consultation and coordination with the private sector to enhance trade enforcement and trade facilitation.

(c) CONSULTATIONS.—

(1) IN GENERAL.—In developing the joint strategic plan required under this section, the Commissioner and the Director of U.S.

Immigration and Customs Enforcement shall consult with—

(A) appropriate officials from the relevant Federal agencies, including—

(i) the Department of the Treasury;

(ii) the Department of Agriculture;

(iii) the Department of Commerce;

(iv) the Department of Justice;

(v) the Department of the Interior;

(vi) the Department of Health and Human Services;

(vii) the Food and Drug Administration;

(viii) the Consumer Product Safety Commission; and

(ix) the Office of the United States Trade Representative; and

(B) the Commercial Customs Operations Advisory Committee established by section 109.

(2) OTHER CONSULTATIONS.—In developing the joint strategic plan required under this section, the Commissioner and the Director shall seek to consult with—

(A) appropriate officials from relevant foreign law enforcement agencies and international organizations, including the World Customs Organization; and

(B) interested parties in the private sector.

SEC. 106. AUTOMATED COMMERCIAL ENVIRONMENT.

(a) FUNDING.—Section 13031(f)(4)(B) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(4)(B)) is amended—

(1) by striking ''2003 through 2005'' and inserting ''2016 through 2018'';

(2) by striking ''such amounts as are available in that Account'' and inserting ''not less than $153,736,000''; and

(3) by striking ''for the development'' and inserting ''to complete the development and implementation''.

(b) REPORT.—Section 311(b)(3) of the Customs Border Security Act of 2002 (19 U.S.C. 2075 note) is amended to read as follows:

''(3) REPORT.—

''(A) IN GENERAL.—Not later than December 31, 2016, the Commissioner of U.S. Customs and Border Protection shall submit to the Committee on Appropriations and the Committee on Finance of the Senate and the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives a report detailing—

''(i) U.S. Customs and Border Protection's incorporation of all core trade processing capabilities, including cargo release, entry summary, cargo manifest, cargo financial data, and export data elements into the Automated Commercial Environment computer system authorized under section 13031(f)(4) of the Consolidated Omnibus Budget and Reconciliation Act of 1985 (19 U.S.C. 58c(f)(4)) not later than September 30, 2016, to conform with the admissibility criteria of agencies participating in the International Trade Data System identified pursuant to section 411(d)(4)(A)(iii) of the Tariff Act of 1930;

''(ii) U.S. Customs and Border Protection's remaining priorities for processing entry summary data elements, cargo manifest data elements, cargo financial data elements, and export elements in the Automated Commercial Environment computer system, and the objectives and plans for implementing these remaining priorities;

''(iii) the components of the National Customs Automation Program specified in subsection (a)(2) of section 411 of the Tariff Act of 1930 that have not been implemented; and

''(iv) any additional components of the National Customs Automation Program initiated by the Commissioner to complete the development, establishment, and implementation of the Automated Commercial Environment computer system.

''(B) UPDATE OF REPORTS.—Not later than September 30, 2017, the Commissioner shall submit to the Committee on Appropriations and the Committee on Finance of the Senate and the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives an updated report addressing each of the matters referred to in subparagraph (A), and—

''(i) evaluating the effectiveness of the implementation of the Automated Commercial Environment computer system; and

''(ii) detailing the percentage of trade processed in the Automated Commercial Environment every month since September 30, 2016.''.

(c) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than December 31, 2017, the Comptroller General of the United States shall submit to the Committee on Appropriations and the Committee on Finance of the Senate and the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives a report—

(1) assessing the progress of other Federal agencies in accessing and utilizing the Automated Commercial Environment; and

(2) assessing the potential cost savings to the United States Government and importers and exporters and the potential benefits to enforcement of the customs and trade laws of the United States if the elements identified in clauses (i) through (iv) of section 311(b)(3)(A) of the Customs Border Security Act of 2002, as amended by subsection (b) of this section, are implemented.

SEC. 107. INTERNATIONAL TRADE DATA SYSTEM.

Section 411(d) of the Tariff Act of 1930 (19 U.S.C. 1411(d)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively;

(2) by inserting after paragraph (3) the following:

''(4) INFORMATION TECHNOLOGY INFRASTRUCTURE.—

''(A) IN GENERAL.—The Secretary shall work with the head of each agency participating in the ITDS and the Interagency Steering Committee to ensure that each agency—

''(i) develops and maintains the necessary information technology infrastructure to support the operation of the ITDS and to submit all data to the ITDS electronically;

''(ii) enters into a memorandum of understanding, or takes such other action as is necessary, to provide for the information sharing between the agency and U.S. Customs and Border Protection necessary for the operation and maintenance of the ITDS;

''(iii) not later than June 30, 2016, identifies and transmits to the Commissioner of U.S. Customs and Border Protection the admissibility criteria and data elements required by the agency to authorize the release of cargo by U.S. Customs and Border Protection for incorporation into the operational functionality of the Automated Commercial Environment computer system authorized under section 13031(f)(4) of the Consolidated Omnibus Budget and Reconciliation Act of 1985 (19 U.S.C. 58c(f)(4)); and

''(iv) not later than December 31, 2016, utilizes the ITDS as the primary means of receiving from users the standard set of data and other relevant documentation, exclusive of applications for permits, licenses, or certifications required for the release of imported cargo and clearance of cargo for export.

''(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to require any action to be taken that would compromise an ongoing law enforcement investigation or national security.''; and

(3) in paragraph (8), as redesignated, by striking ''section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note)'' and inserting ''section 109 of the Trade Facilitation and Trade Enforcement Act of 2015''.

SEC. 108. CONSULTATIONS WITH RESPECT TO MUTUAL RECOGNITION ARRANGEMENTS.

(a) CONSULTATIONS.—The Secretary of Homeland Security, with respect to any proposed mutual recognition arrangement or similar agreement between the United States and a foreign government providing for mutual recognition of supply chain security programs and customs revenue functions, shall consult—

(1) not later than 30 days before initiating negotiations to enter into any such arrangement or similar agreement, with the appropriate congressional committees; and

(2) not later than 30 days before entering into any such arrangement or similar agreement, with the appropriate congressional committees.

(b) NEGOTIATING OBJECTIVE.—It shall be a negotiating objective of the United States in any negotiation for a mutual recognition arrangement with a foreign country on partnership programs, such as the Customs-Trade Partnership Against Terrorism established under subtitle B of title II of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 961 et seq.), to seek to ensure the compatibility of the partnership programs of that country with the partnership programs of U.S. Customs and Border Protection to enhance security, trade facilitation, and trade enforcement.

SEC. 109. COMMERCIAL CUSTOMS OPERATIONS ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than the date that is 60 days after the date of the enactment of this Act, the Secretary of the Treasury and the Secretary of Homeland Security shall jointly establish a Commercial Customs Operations Advisory Committee (in this section referred to as the ''Advisory Committee'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Advisory Committee shall be comprised of—

(A) 20 individuals appointed under paragraph (2);

(B) the Assistant Secretary for Tax Policy of the Department of the Treasury and the Commissioner, who shall jointly co-chair meetings of the Advisory Committee; and

(C) the Assistant Secretary for Policy and the Director of U.S. Immigration and Customs Enforcement of the Department of Homeland Security, who shall serve as deputy co-chairs of meetings of the Advisory Committee.

(2) APPOINTMENT.—

(A) IN GENERAL.—The Secretary of the Treasury and the Secretary of Homeland Security shall jointly appoint 20 individuals from the private sector to the Advisory Committee.

(B) REQUIREMENTS.—In making appointments under subparagraph (A), the Secretary of the Treasury and the Secretary of Homeland Security shall appoint members—

(i) to ensure that the membership of the Advisory Committee is representative of the individuals and firms affected by the commercial operations of U.S. Customs and Border Protection; and

(ii) without regard to political affiliation.

(C) TERMS.—Each individual appointed to the Advisory Committee under this paragraph shall be appointed for a term of not more than 3 years, and may be reappointed to subsequent terms, but may not serve more than 2 terms sequentially.

(3) TRANSFER OF MEMBERSHIP.—The Secretary of the Treasury and the Secretary of Homeland Security may transfer members

serving on the Advisory Committee on Commercial Operations of the United States Customs Service established under section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note) on the day before the date of the enactment of this Act to the Advisory Committee established under subsection (a).

(c) DUTIES.—The Advisory Committee established under subsection (a) shall—

(1) advise the Secretary of the Treasury and the Secretary of Homeland Security on all matters involving the commercial operations of U.S. Customs and Border Protection, including advising with respect to significant changes that are proposed with respect to regulations, policies, or practices of U.S. Customs and Border Protection;

(2) provide recommendations to the Secretary of the Treasury and the Secretary of Homeland Security on improvements to the commercial operations of U.S. Customs and Border Protection;

(3) collaborate in developing the agenda for Advisory Committee meetings; and

(4) perform such other functions relating to the commercial operations of U.S. Customs and Border Protection as prescribed by law or as the Secretary of the Treasury and the Secretary of Homeland Security jointly direct.

(d) MEETINGS.—

(1) IN GENERAL.—The Advisory Committee shall meet at the call of the Secretary of the Treasury and the Secretary of Homeland Security, or at the call of not less than ⅔ of the membership of the Advisory Committee. The Advisory Committee shall meet at least 4 times each calendar year.

(2) OPEN MEETINGS.—Notwithstanding section 10(a) of the Federal Advisory Committee Act (5 U.S.C. App.), the Advisory Committee meetings shall be open to the public unless the Secretary of the Treasury or the Secretary of Homeland Security determines that the meeting will include matters the disclosure of which would compromise the development of policies, priorities, or negotiating objectives or positions that could impact the commercial operations of U.S. Customs and Border Protection or the operations or investigations of U.S. Immigration and Customs Enforcement.

(e) ANNUAL REPORT.—Not later than December 31, 2016, and annually thereafter, the Advisory Committee shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that—

(1) describes the activities of the Advisory Committee during the preceding fiscal year; and

(2) sets forth any recommendations of the Advisory Committee regarding the commercial operations of U.S. Customs and Border Protection.

(f) TERMINATION.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the Advisory Committee.

(g) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Effective on the date on which the Advisory Committee is established under subsection (a), section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note) is repealed.

(2) REFERENCE.—Any reference in law to the Advisory Committee on Commercial Operations of the United States Customs Service established under section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note) made on or after the date on which the Advisory Committee is established under subsection (a), shall be deemed a reference to the Commercial Customs Operations Advisory Committee established under subsection (a).

SEC. 110. CENTERS OF EXCELLENCE AND EXPERTISE.

(a) IN GENERAL.—The Commissioner shall, in consultation with the appropriate congressional committees and the Commercial Customs Operations Advisory Committee established by section 109, develop and implement Centers of Excellence and Expertise throughout U.S. Customs and Border Protection that—

(1) enhance the economic competitiveness of the United States by consistently enforcing the laws and regulations of the United States at all ports of entry of the United States and by facilitating the flow of legitimate trade through increasing industry-based knowledge;

(2) improve enforcement efforts, including enforcement of priority trade issues described in section 118, in specific industry sectors through the application of targeting information from the National Targeting Center under section 111 and from other means of verification;

(3) build upon the expertise of U.S. Customs and Border Protection in particular industry operations, supply chains, and compliance requirements;

(4) promote the uniform implementation at each port of entry of the United States of policies and regulations relating to imports;

(5) centralize the trade enforcement and trade facilitation efforts of U.S. Customs and Border Protection;

(6) formalize an account-based approach to apply, as the Commissioner determines appropriate, to the importation of merchandise into the United States;

(7) foster partnerships though the expansion of trade programs and other trusted partner programs;

(8) develop applicable performance measurements to meet internal efficiency and effectiveness goals; and

(9) whenever feasible, facilitate a more efficient flow of information between Federal agencies.

(b) REPORT.—Not later than December 31, 2016, the Commissioner shall submit to the appropriate congressional committees a report describing—

(1) the scope, functions, and structure of each Center of Excellence and Expertise developed and implemented under subsection (a);

(2) the effectiveness of each such Center of Excellence and Expertise in improving enforcement efforts, including enforcement of priority trade issues described in section 118, and facilitating legitimate trade;

(3) the quantitative and qualitative benefits of each such Center of Excellence and Expertise to the trade community, including through fostering partnerships through the expansion of trade programs such as the Importer Self Assessment program and other trusted partner programs;

(4) all applicable performance measurements with respect to each such Center of Excellence and Expertise, including performance measures with respect to meeting internal efficiency and effectiveness goals;

(5) the performance of each such Center of Excellence and Expertise in increasing the accuracy and completeness of data with respect to international trade and facilitating a more efficient flow of information between Federal agencies; and

(6) any planned changes in the number, scope, functions or any other aspect of the Centers of Excellence and Expertise developed and implemented under subsection (a).

SEC. 111. COMMERCIAL RISK ASSESSMENT TARGETING AND TRADE ALERTS.

(a) COMMERCIAL RISK ASSESSMENT TARGETING.—In carrying out its duties under section 411(g)(4) of the Homeland Security Act of 2002, as added by section 802(a) of this Act, the National Targeting Center shall—

(1) establish targeted risk assessment methodologies and standards—

(A) for evaluating the risk that cargo destined for the United States may violate the customs and trade laws of the United States, particularly those laws applicable to merchandise subject to the priority trade issues described in section 118; and

(B) for issuing, as appropriate, Trade Alerts described in subsection (b);

(2) to the extent practicable and otherwise authorized by law, use, to administer the methodologies and standards established under paragraph (1)—

(A) publicly available information;

(B) information available from the Automated Commercial System, the Automated Commercial Environment computer system, the Automated Targeting System, the Automated Export System, the International Trade Data System, the TECS (formerly known as the ''Treasury Enforcement Communications System''), the case management system of U.S. Immigration and Customs Enforcement, and any successor systems; and

(C) information made available to the National Targeting Center, including information provided by private sector entities; and

(3) provide for the receipt and transmission to the appropriate U.S. Customs and Border Protection offices of allegations from interested parties in the private sector of violations of customs and trade laws of the United States of merchandise relating to the priority trade issues described in section 118.

(b) TRADE ALERTS.—

(1) ISSUANCE.—In carrying out its duties under section 411(g)(4) of the Homeland Security Act of 2002, as added by section 802(a) of this Act, and based upon the application of the targeted risk assessment methodologies and standards established under subsection (a), the Executive Director of the National Targeting Center may issue Trade Alerts to directors of United States ports of entry directing further inspection, or physical examination or testing, of specific merchandise to ensure compliance with all applicable customs and trade laws and regulations administered by U.S. Customs and Border Protection.

(2) DETERMINATIONS NOT TO IMPLEMENT TRADE ALERTS.—The director of a United States port of entry may determine not to conduct further inspections, or physical examination or testing, pursuant to a Trade Alert issued under paragraph (1) if—

(A) the director finds that such a determination is justified by port security interests; and

(B) not later than 48 hours after making the determination, notifies the Assistant Commissioner of the Office of Field Operations of U.S. Customs and Border Protection of the determination and the reasons for the determination.

(3) SUMMARY OF DETERMINATIONS NOT TO IMPLEMENT.—The Assistant Commissioner of the Office of Field Operations of U.S. Customs and Border Protection shall—

(A) compile an annual public summary of all determinations by directors of United States ports of entry under paragraph (2) and the reasons for those determinations;

(B) conduct an evaluation of the utilization of Trade Alerts issued under paragraph (1); and

(C) not later than December 31 of each year, submit the summary to the appropriate congressional committees.

(4) INSPECTION DEFINED.—In this subsection, the term ''inspection'' means the comprehensive evaluation process used by U.S. Customs and Border Protection, other

than physical examination or testing, to permit the entry of merchandise into the United States, or the clearance of merchandise for transportation in bond through the United States, for purposes of—

(A) assessing duties;

(B) identifying restricted or prohibited items; and

(C) ensuring compliance with all applicable customs and trade laws and regulations administered by U.S. Customs and Border Protection.

(c) USE OF TRADE DATA FOR COMMERCIAL ENFORCEMENT PURPOSES.—Section 343(a)(3)(F) of the Trade Act of 2002 (19 U.S.C. 2071 note) is amended to read as follows:

''(F) The information collected pursuant to the regulations shall be used exclusively for ensuring cargo safety and security, preventing smuggling, and commercial risk assessment targeting, and shall not be used for any commercial enforcement purposes, including for determining merchandise entry. Notwithstanding the preceding sentence, nothing in this section shall be treated as amending, repealing, or otherwise modifying title IV of the Tariff Act of 1930 or regulations promulgated thereunder.''.

SEC. 112. REPORT ON OVERSIGHT OF REVENUE PROTECTION AND ENFORCEMENT MEASURES.

(a) IN GENERAL.—Not later the March 31, 2016, and not later than March 31 of each second year thereafter, the Inspector General of the Department of the Treasury shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report assessing, with respect to the period covered by the report, as specified in subsection (b), the following:

(1) The effectiveness of the measures taken by U.S. Customs and Border Protection with respect to protection of revenue, including—

(A) the collection of countervailing duties assessed under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) and antidumping duties assessed under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.);

(B) the assessment, collection, and mitigation of commercial fines and penalties;

(C) the use of bonds, including continuous and single transaction bonds, to secure that revenue; and

(D) the adequacy of the policies of U.S. Customs and Border Protection with respect to the monitoring and tracking of merchandise transported in bond and collecting duties, as appropriate.

(2) The effectiveness of actions taken by U.S. Customs and Border Protection to measure accountability and performance with respect to protection of revenue.

(3) The number and outcome of investigations instituted by U.S. Customs and Border Protection with respect to the underpayment of duties.

(4) The effectiveness of training with respect to the collection of duties provided for personnel of U.S. Customs and Border Protection.

(b) PERIOD COVERED BY REPORT.—Each report required by subsection (a) shall cover the period of 2 fiscal years ending on September 30 of the calendar year preceding the submission of the report.

SEC. 113. REPORT ON SECURITY AND REVENUE MEASURES WITH RESPECT TO MERCHANDISE TRANSPORTED IN BOND.

(a) IN GENERAL.—Not later than December 31 of 2016, 2017, and 2018, the Secretary of Homeland Security and the Secretary of the Treasury shall jointly submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on efforts undertaken by U.S. Customs and Border Protection to ensure the secure transportation of merchandise in bond through the United States and the collection of revenue owed upon the entry of such merchandise into the United States for consumption.

(b) ELEMENTS.—Each report required by subsection (a) shall include, for the fiscal year preceding the submission of the report, information on—

(1) the overall number of entries of merchandise for transportation in bond through the United States;

(2) the ports at which merchandise arrives in the United States for transportation in bond and at which records of the arrival of such merchandise are generated;

(3) the average time taken to reconcile such records with the records at the final destination of the merchandise in the United States to demonstrate that the merchandise reaches its final destination or is re-exported;

(4) the average time taken to transport merchandise in bond from the port at which the merchandise arrives in the United States to its final destination in the United States;

(5) the total amount of duties, taxes, and fees owed with respect to shipments of merchandise transported in bond and the total amount of such duties, taxes, and fees paid;

(6) the total number of notifications by carriers of merchandise being transported in bond that the destination of the merchandise has changed; and

(7) the number of entries that remain unreconciled.

SEC. 114. IMPORTER OF RECORD PROGRAM.

(a) ESTABLISHMENT.—Not later than the date that is 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish an importer of record program to assign and maintain importer of record numbers.

(b) REQUIREMENTS.—The Secretary shall ensure that, as part of the importer of record program, U.S. Customs and Border Protection—

(1) develops criteria that importers must meet in order to obtain an importer of record number, including—

(A) criteria to ensure sufficient information is collected to allow U.S. Customs and Border Protection to verify the existence of the importer requesting the importer of record number;

(B) criteria to ensure sufficient information is collected to allow U.S. Customs and Border Protection to identify linkages or other affiliations between importers that are requesting or have been assigned importer of record numbers; and

(C) criteria to ensure sufficient information is collected to allow U.S. Customs and Border Protection to identify changes in address and corporate structure of importers;

(2) provides a process by which importers are assigned importer of record numbers;

(3) maintains a centralized database of importer of record numbers, including a history of importer of record numbers associated with each importer, and the information described in subparagraphs (A), (B), and (C) of paragraph (1);

(4) evaluates and maintains the accuracy of the database if such information changes; and

(5) takes measures to ensure that duplicate importer of record numbers are not issued.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the importer of record program established under subsection (a).

(d) NUMBER DEFINED.—In this subsection, the term ''number'', with respect to an importer of record, means a filing identification number described in section 24.5 of title 19, Code of Federal Regulations (or any corresponding similar regulation) that fully supports the requirements of subsection (b) with respect to the collection and maintenance of information.

SEC. 115. ESTABLISHMENT OF NEW IMPORTER PROGRAM.

(a) IN GENERAL.—Not later than the date that is 180 days after the date of the enactment of this Act, the Commissioner shall establish a new importer program that directs U.S. Customs and Border Protection to adjust bond amounts for new importers based on the level of risk assessed by U.S. Customs and Border Protection for protection of revenue of the Federal Government.

(b) REQUIREMENTS.—The Commissioner shall ensure that, as part of the new importer program established under subsection (a), U.S. Customs and Border Protection—

(1) develops risk-based criteria for determining which importers are considered to be new importers for the purposes of this subsection;

(2) develops risk assessment guidelines for new importers to determine if and to what extent—

(A) to adjust bond amounts of imported products of new importers; and

(B) to increase screening of imported products of new importers;

(3) develops procedures to ensure increased oversight of imported products of new importers relating to the enforcement of the priority trade issues described in section 118;

(4) develops procedures to ensure increased oversight of imported products of new importers by Centers of Excellence and Expertise established under section 110; and

(5) establishes a centralized database of new importers to ensure accuracy of information that is required to be provided by new importers to U.S. Customs and Border Protection.

SEC. 116. CUSTOMS BROKER IDENTIFICATION OF IMPORTERS.

(a) IN GENERAL.—Section 641 of the Tariff Act of 1930 (19 U.S.C. 1641) is amended by adding at the end the following:

''(i) IDENTIFICATION OF IMPORTERS.—

''(1) IN GENERAL.—The Secretary shall prescribe regulations setting forth the minimum standards for customs brokers and importers, including nonresident importers, regarding the identity of the importer that shall apply in connection with the importation of merchandise into the United States.

''(2) MINIMUM REQUIREMENTS.—The regulations shall, at a minimum, require customs brokers to implement, and importers (after being given adequate notice) to comply with, reasonable procedures for—

''(A) collecting the identity of importers, including nonresident importers, seeking to import merchandise into the United States to the extent reasonable and practicable; and

''(B) maintaining records of the information used to substantiate a person's identity, including name, address, and other identifying information.

''(3) PENALTIES.—Any customs broker who fails to collect information required under the regulations prescribed under this subsection shall be liable to the United States, at the discretion of the Secretary, for a monetary penalty not to exceed $10,000 for each violation of those regulations and subject to revocation or suspension of a license or permit of the customs broker pursuant to the procedures set forth in subsection (d).

''(4) DEFINITIONS.—In this subsection—

''(A) the term 'importer' means one of the parties qualifying as an importer of record under section 484(a)(2)(B); and

''(B) the term 'nonresident importer' means an importer who is—

''(i) an individual who is not a citizen of the United States or an alien lawfully admitted for permanent residence in the United States; or

''(ii) a partnership, corporation, or other commercial entity that is not organized under the laws of a jurisdiction within the customs territory of the United States (as such term is defined in General Note 2 of the Harmonized Tariff Schedule of the United States) or in the Virgin Islands of the United States.''.

(b) STUDY AND REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall submit to Congress a report containing recommendations for—

(1) determining the most timely and effective way to require foreign nationals to provide customs brokers with appropriate and accurate information, comparable to that which is required of United States nationals, concerning the identity, address, and other related information relating to such foreign nationals necessary to enable customs brokers to comply with the requirements of section 641(i) of the Tariff Act of 1930 (as added by subsection (a) of this section); and

(2) establishing a system for customs brokers to review information maintained by relevant Federal agencies for purposes of verifying the identities of importers, including nonresident importers, seeking to import merchandise into the United States.

SEC. 117. REQUIREMENTS APPLICABLE TO NONRESIDENT IMPORTERS.

(a) IN GENERAL.—Part III of title IV of the Tariff Act of 1930 (19 U.S.C. 1481 et seq.) is amended by inserting after section 484b the following new section:

''SEC. 484c. REQUIREMENTS APPLICABLE TO NON-RESIDENT IMPORTERS.

''(a) IN GENERAL.—Except as provided in subsection (c), if an importer of record under section 484 is not a resident of the United States, the Commissioner of U.S. Customs and Border Protection shall require the nonresident importer to designate a resident agent in the United States subject to the requirements described in subsection (b).

''(b) REQUIREMENTS.—The requirements described in this subsection are the following:

''(1) The resident agent shall be authorized to accept service of process against the nonresident importer in connection with the importation of merchandise.

''(2) The Commissioner of U.S. Customs and Border Protection shall require the nonresident importer to establish a power of attorney with the resident agent in connection with the importation of merchandise.

''(c) NON-APPLICABILITY.—The requirements of this section shall not apply with respect to a non-resident importer who is a validated Tier 2 or Tier 3 participant in the Customs-Trade Partnership Against Terrorism program established under subtitle B of title II of the SAFE Port Act (6 U.S.C. 961 et seq.).

''(d) PENALTIES.—

''(1) IN GENERAL.—It shall be unlawful for any person to import into the United States any merchandise in violation of this section.

''(2) CIVIL PENALTIES.—Any person who violates paragraph (1) shall be liable for a civil penalty of $50,000 for each such violation.

''(3) OTHER PENALTIES.—In addition to the penalties specified in paragraph (2), any violation of this section that violates any other customs and trade laws of the United States shall be subject to any applicable civil and criminal penalty, including seizure and forfeiture, that may be imposed under such customs or trade law or title 18, United States Code, with respect to the importation of merchandise.

''(4) DEFINITION.—In this subsection, the term 'customs and trade laws of the United States' has the meaning given such term in section 2 of the Trade Facilitation and Trade Enforcement Act of 2015.''.

(b) EFFECTIVE DATE.—Section 484c of the Tariff Act of 1930, as added by subsection (a), takes effect on the date of the enactment of this Act and applies with respect to the importation, on or after the date that is 180 days after such date of enactment, of merchandise of an importer of record under section 484 of the Tariff Act of 1930 who is not a resident of the United States.

SEC. 118. PRIORITY TRADE ISSUES.

(a) IN GENERAL.—The Commissioner shall establish the following as priority trade issues:

(1) Agriculture programs.

(2) Antidumping and countervailing duties.

(3) Import safety.

(4) Intellectual property rights.

(5) Revenue.

(6) Textiles and wearing apparel.

(7) Trade agreements and preference programs.

(b) MODIFICATION.—The Commissioner is authorized to establish new priority trade issues and eliminate, consolidate, or otherwise modify the priority trade issues described in subsection (a) if the Commissioner—

(1) determines it necessary and appropriate to do so; and

(2) submits to the appropriate congressional committees a summary of the proposed changes to the priority trade issues not later than 60 days before such changes are to take effect.

SEC. 119. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term ''appropriate congressional committees'' means—

(1) the Committee on Finance and the Committee on Homeland Security and Government Affairs of the Senate; and

(2) the Committee on Ways and Means and the Committee on Homeland Security of the House of Representatives.

TITLE II—IMPORT HEALTH AND SAFETY

SEC. 201. INTERAGENCY IMPORT SAFETY WORKING GROUP.

(a) ESTABLISHMENT.—There is established an interagency Import Safety Working Group.

(b) MEMBERSHIP.—The interagency Import Safety Working Group shall consist of the following officials or their designees:

(1) The Secretary of Homeland Security, who shall serve as the Chair.

(2) The Secretary of Health and Human Services, who shall serve as the Vice Chair.

(3) The Secretary of the Treasury.

(4) The Secretary of Commerce.

(5) The Secretary of Agriculture.

(6) The United States Trade Representative.

(7) The Director of the Office of Management and Budget.

(8) The Commissioner of Food and Drugs.

(9) The Commissioner of U.S. Customs and Border Protection.

(10) The Chairman of the Consumer Product Safety Commission.

(11) The Director of U.S. Immigration and Customs Enforcement.

(12) The head of any other Federal agency designated by the President to participate in the interagency Import Safety Working Group, as appropriate.

(c) DUTIES.—The duties of the interagency Import Safety Working Group shall include—

(1) consulting on the development of the joint import safety rapid response plan required by section 202;

(2) periodically evaluating the adequacy of the plans, practices, and resources of the Federal Government dedicated to ensuring the safety of merchandise imported in the United States and the expeditious entry of such merchandise, including—

(A) minimizing the duplication of efforts among agencies the heads of which are members of the interagency Import Safety Working Group and ensuring the compatibility of the policies and regulations of those agencies; and

(B) recommending additional administrative actions, as appropriate, designed to ensure the safety of merchandise imported into the United States and the expeditious entry of such merchandise and considering the impact of those actions on private sector entities;

(3) reviewing the engagement and cooperation of foreign governments and foreign manufacturers in facilitating the inspection and certification, as appropriate, of such merchandise to be imported into the United States and the facilities producing such merchandise to ensure the safety of the merchandise and the expeditious entry of the merchandise into the United States;

(4) identifying best practices, in consultation with private sector entities as appropriate, to assist United States importers in taking all appropriate steps to ensure the safety of merchandise imported into the United States, including with respect to—

(A) the inspection of manufacturing facilities in foreign countries;

(B) the inspection of merchandise destined for the United States before exportation from a foreign country or before distribution in the United States; and

(C) the protection of the international supply chain (as defined in section 2 of the Security and Accountability For Every Port Act of 2006 (6 U.S.C. 901));

(5) identifying best practices to assist Federal, State, and local governments and agencies, and port authorities, to improve communication and coordination among such agencies and authorities with respect to ensuring the safety of merchandise imported into the United States and the expeditious entry of such merchandise; and

(6) otherwise identifying appropriate steps to increase the accountability of United States importers and the engagement of foreign government agencies with respect to ensuring the safety of merchandise imported into the United States and the expeditious entry of such merchandise.

SEC. 202. JOINT IMPORT SAFETY RAPID RESPONSE PLAN.

(a) IN GENERAL.—Not later than December 31, 2016, the Secretary of Homeland Security, in consultation with the interagency Import Safety Working Group established under section 201, shall develop a plan (to be known as the ''joint import safety rapid response plan'') that sets forth protocols and defines practices for U.S. Customs and Border Protection to use—

(1) in taking action in response to, and coordinating Federal responses to, an incident in which cargo destined for or merchandise entering the United States has been identified as posing a threat to the health or safety of consumers in the United States; and

(2) in recovering from or mitigating the effects of actions and responses to an incident described in paragraph (1).

(b) CONTENTS.—The joint import safety rapid response plan shall address—

(1) the statutory and regulatory authorities and responsibilities of U.S. Customs and Border Protection and other Federal agencies in responding to an incident described in subsection (a)(1);

(2) the protocols and practices to be used by U.S. Customs and Border Protection when taking action in response to, and coordinating Federal responses to, such an incident;

(3) the measures to be taken by U.S. Customs and Border Protection and other Federal agencies in recovering from or mitigating the effects of actions taken in response to such an incident after the incident to ensure the resumption of the entry of merchandise into the United States; and

(4) exercises that U.S. Customs and Border Protection may conduct in conjunction with Federal, State, and local agencies, and private sector entities, to simulate responses to such an incident.

(c) UPDATES OF PLAN.—The Secretary of Homeland Security shall review and update the joint import safety rapid response plan, as appropriate, after conducting exercises under subsection (d).

(d) IMPORT HEALTH AND SAFETY EXERCISES.—

(1) IN GENERAL.—The Secretary of Homeland Security and the Commissioner shall periodically engage in the exercises referred to in subsection (b)(4), in conjunction with Federal, State, and local agencies and private sector entities, as appropriate, to test and evaluate the protocols and practices identified in the joint import safety rapid response plan at United States ports of entry.

(2) REQUIREMENTS FOR EXERCISES.—In conducting exercises under paragraph (1), the Secretary and the Commissioner shall—

(A) make allowance for the resources, needs, and constraints of United States ports of entry of different sizes in representative geographic locations across the United States;

(B) base evaluations on current risk assessments of merchandise entering the United States at representative United States ports of entry located across the United States;

(C) ensure that such exercises are conducted in a manner consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidelines, the Maritime Transportation System Security Plan, and other such national initiatives of the Department of Homeland Security, as appropriate; and

(D) develop metrics with respect to the resumption of the entry of merchandise into the United States after an incident described in subsection (a)(1).

(3) REQUIREMENTS FOR TESTING AND EVALUATION.—The Secretary and the Commissioner shall ensure that the testing and evaluation carried out in conducting exercises under paragraph (1)—

(A) are performed using clear and objective performance measures; and

(B) result in the identification of specific recommendations or best practices for responding to an incident described in subsection (a)(1).

(4) DISSEMINATION OF RECOMMENDATIONS AND BEST PRACTICES.—The Secretary and the Commissioner shall—

(A) share the recommendations or best practices identified under paragraph (3)(B) among the members of the interagency Import Safety Working Group established under section 201 and with, as appropriate—

(i) State, local, and tribal governments;

(ii) foreign governments; and

(iii) private sector entities; and

(B) use such recommendations and best practices to update the joint import safety rapid response plan.

SEC. 203. TRAINING.

The Commissioner shall ensure that personnel of U.S. Customs and Border Protection assigned to United States ports of entry are trained to effectively administer the provisions of this title and to otherwise assist in ensuring the safety of merchandise imported into the United States and the expeditious entry of such merchandise.

TITLE III—IMPORT-RELATED PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

SEC. 301. DEFINITION OF INTELLECTUAL PROPERTY RIGHTS.

In this title, the term ''intellectual property rights'' refers to copyrights, trademarks, and other forms of intellectual property rights that are enforced by U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement.

SEC. 302. EXCHANGE OF INFORMATION RELATED TO TRADE ENFORCEMENT.

(a) IN GENERAL.—The Tariff Act of 1930 is amended by inserting after section 628 (19 U.S.C. 1628) the following new section:

''SEC. 628A. EXCHANGE OF INFORMATION RELATED TO TRADE ENFORCEMENT.

''(a) IN GENERAL.—Subject to subsections (c) and (d), if the Commissioner of U.S. Customs and Border Protection suspects that merchandise is being imported into the United States in violation of section 526 of this Act or section 602, 1201(a)(2), or 1201(b)(1) of title 17, United States Code, and determines that the examination or testing of the merchandise by a person described in subsection (b) would assist the Commissioner in determining if the merchandise is being imported in violation of that section, the Commissioner, to permit the person to conduct the examination and testing—

''(1) shall provide to the person information that appears on the merchandise and its packaging and labels, including unredacted images of the merchandise and its packaging and labels; and

''(2) may, subject to any applicable bonding requirements, provide to the person unredacted samples of the merchandise.

''(b) PERSON DESCRIBED.—A person described in this subsection is—

''(1) in the case of merchandise suspected of being imported in violation of section 526, the owner of the trademark suspected of being copied or simulated by the merchandise;

''(2) in the case of merchandise suspected of being imported in violation of section 602 of title 17, United States Code, the owner of the copyright suspected of being infringed by the merchandise;

''(3) in the case of merchandise suspected of being primarily designed or produced for the purpose of circumventing a technological measure that effectively controls access to a work protected under that title, and being imported in violation of section 1201(a)(2) of that title, the owner of a copyright in the work; and

''(4) in the case of merchandise suspected of being primarily designed or produced for the purpose of circumventing protection afforded by a technological measure that effectively protects a right of an owner of a copyright in a work or a portion of a work, and being imported in violation of section 1201(b)(1) of that title, the owner of the copyright.

''(c) LIMITATION.—Subsection (a) applies only with respect to merchandise suspected of infringing a trademark or copyright that is recorded with U.S. Customs and Border Protection.

''(d) EXCEPTION.—The Commissioner may not provide under subsection (a) information, photographs, or samples to a person described in subsection (b) if providing such information, photographs, or samples would compromise an ongoing law enforcement investigation or national security.''.

(b) TERMINATION OF PREVIOUS AUTHORITY.—Notwithstanding paragraph (2) of section 818(g) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1496; 10 U.S.C. 2302 note), paragraph (1) of that section shall have no force or effect on or after the date of the enactment of this Act.

SEC. 303. SEIZURE OF CIRCUMVENTION DEVICES.

(a) IN GENERAL.—Section 596(c)(2) of the Tariff Act of 1930 (19 U.S.C. 1595a(c)(2)) is amended—

(1) in subparagraph (E), by striking ''or'';

(2) in subparagraph (F), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(G) U.S. Customs and Border Protection determines it is a technology, product, service, device, component, or part thereof the importation of which is prohibited under subsection (a)(2) or (b)(1) of section 1201 of title 17, United States Code.''.

(b) NOTIFICATION OF PERSONS INJURED.—

(1) IN GENERAL.—Not later than the date that is 30 business days after seizing merchandise pursuant to subparagraph (G) of section 596(c)(2) of the Tariff Act of 1930, as added by subsection (a), the Commissioner shall provide to any person identified under paragraph (2) information regarding the merchandise seized that is equivalent to information provided to copyright owners under regulations of U.S. Customs and Border Protection for merchandise seized for violation of the copyright laws.

(2) PERSONS TO BE PROVIDED INFORMATION.—Any person injured by the violation of (a)(2) or (b)(1) of section 1201 of title 17, United States Code, that resulted in the seizure of the merchandise shall be provided information under paragraph (1), if that person is included on a list maintained by the Commissioner that is revised annually through publication in the Federal Register.

(3) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations establishing procedures that implement this subsection.

SEC. 304. ENFORCEMENT BY U.S. CUSTOMS AND BORDER PROTECTION OF WORKS FOR WHICH COPYRIGHT REGISTRATION IS PENDING.

Not later than the date that is 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall authorize a process pursuant to which the Commissioner shall enforce a copyright for which the owner has submitted an application for registration under title 17, United States Code, with the United States Copyright Office, to the same extent and in the same manner as if the copyright were registered with the Copyright Office, including by sharing information, images, and samples of merchandise suspected of infringing the copyright under section 628A of the Tariff Act of 1930, as added by section 302.

SEC. 305. NATIONAL INTELLECTUAL PROPERTY RIGHTS COORDINATION CENTER.

(a) ESTABLISHMENT.—The Secretary of Homeland Security shall—

(1) establish within U.S. Immigration and Customs Enforcement a National Intellectual Property Rights Coordination Center; and

(2) appoint an Assistant Director to head the National Intellectual Property Rights Coordination Center.

(b) DUTIES.—The Assistant Director of the National Intellectual Property Rights Coordination Center shall—

(1) coordinate the investigation of sources of merchandise that infringe intellectual property rights to identify organizations and individuals that produce, smuggle, or distribute such merchandise;

(2) conduct and coordinate training with other domestic and international law enforcement agencies on investigative best practices—

(A) to develop and expand the capability of such agencies to enforce intellectual property rights; and

(B) to develop metrics to assess whether the training improved enforcement of intellectual property rights;

(3) coordinate, with U.S. Customs and Border Protection, activities conducted by the United States to prevent the importation or exportation of merchandise that infringes intellectual property rights;

(4) support the international interdiction of merchandise destined for the United States that infringes intellectual property rights;

(5) collect and integrate information regarding infringement of intellectual property rights from domestic and international law enforcement agencies and other non-Federal sources;

(6) develop a means to receive and organize information regarding infringement of intellectual property rights from such agencies and other sources;

(7) disseminate information regarding infringement of intellectual property rights to other Federal agencies, as appropriate;

(8) develop and implement risk-based alert systems, in coordination with U.S. Customs and Border Protection, to improve the targeting of persons that repeatedly infringe intellectual property rights;

(9) coordinate with the offices of United States attorneys in order to develop expertise in, and assist with the investigation and prosecution of, crimes relating to the infringement of intellectual property rights; and

(10) carry out such other duties as the Secretary of Homeland Security may assign.

(c) COORDINATION WITH OTHER AGENCIES.—In carrying out the duties described in subsection (b), the Assistant Director of the National Intellectual Property Rights Coordination Center shall coordinate with—

(1) U.S. Customs and Border Protection;

(2) the Food and Drug Administration;

(3) the Department of Justice;

(4) the Department of Commerce, including the United States Patent and Trademark Office;

(5) the United States Postal Inspection Service;

(6) the Office of the United States Trade Representative;

(7) any Federal, State, local, or international law enforcement agencies that the Director of U.S. Immigration and Customs Enforcement considers appropriate; and

(8) any other entities that the Director considers appropriate.

(d) PRIVATE SECTOR OUTREACH.—

(1) IN GENERAL.—The Assistant Director of the National Intellectual Property Rights Coordination Center shall work with U.S. Customs and Border Protection and other Federal agencies to conduct outreach to private sector entities in order to determine trends in and methods of infringing intellectual property rights.

(2) INFORMATION SHARING.—The Assistant Director shall share information and best practices with respect to the enforcement of intellectual property rights with private sector entities, as appropriate, in order to coordinate public and private sector efforts to combat the infringement of intellectual property rights.

SEC. 306. JOINT STRATEGIC PLAN FOR THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS.

The Commissioner and the Director of U.S. Immigration and Customs Enforcement shall include in the joint strategic plan required by section 105—

(1) a description of the efforts of the Department of Homeland Security to enforce intellectual property rights;

(2) a list of the 10 United States ports of entry at which U.S. Customs and Border Protection has seized the most merchandise, both by volume and by value, that infringes intellectual property rights during the most recent 2-year period for which data are available; and

(3) a recommendation for the optimal allocation of personnel, resources, and technology to ensure that U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement are adequately enforcing intellectual property rights.

SEC. 307. PERSONNEL DEDICATED TO THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS.

(a) PERSONNEL OF U.S. CUSTOMS AND BORDER PROTECTION.—The Commissioner and the Director of U.S. Immigration and Customs Enforcement shall ensure that sufficient personnel are assigned throughout U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, respectively, who have responsibility for preventing the importation into the United States of merchandise that infringes intellectual property rights.

(b) STAFFING OF NATIONAL INTELLECTUAL PROPERTY RIGHTS COORDINATION CENTER.—The Commissioner shall—

(1) assign not fewer than 3 full-time employees of U.S. Customs and Border Protection to the National Intellectual Property Rights Coordination Center established under section 305; and

(2) ensure that sufficient personnel are assigned to United States ports of entry to carry out the directives of the Center.

SEC. 308. TRAINING WITH RESPECT TO THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS.

(a) TRAINING.—The Commissioner shall ensure that officers of U.S. Customs and Border Protection are trained to effectively detect and identify merchandise destined for the United States that infringes intellectual property rights, including through the use of technologies identified under subsection (c).

(b) CONSULTATION WITH PRIVATE SECTOR.—The Commissioner shall consult with private sector entities to better identify opportunities for collaboration between U.S. Customs and Border Protection and such entities with respect to training for officers of U.S. Customs and Border Protection in enforcing intellectual property rights.

(c) IDENTIFICATION OF NEW TECHNOLOGIES.—In consultation with private sector entities, the Commissioner shall identify—

(1) technologies with the cost-effective capability to detect and identify merchandise at United States ports of entry that infringes intellectual property rights; and

(2) cost-effective programs for training officers of U.S. Customs and Border Protection to use such technologies.

(d) DONATIONS OF TECHNOLOGY.—Not later than the date that is 180 days after the date of the enactment of this Act, the Commissioner shall prescribe regulations to enable U.S. Customs and Border Protection to receive donations of hardware, software, equipment, and similar technologies, and to accept training and other support services, from private sector entities, for the purpose of enforcing intellectual property rights.

SEC. 309. INTERNATIONAL COOPERATION AND INFORMATION SHARING.

(a) COOPERATION.—The Secretary of Homeland Security shall coordinate with the competent law enforcement and customs authorities of foreign countries, including by sharing information relevant to enforcement actions, to enhance the efforts of the United States and such authorities to enforce intellectual property rights.

(b) TECHNICAL ASSISTANCE.—The Secretary of Homeland Security shall provide technical assistance to competent law enforcement and customs authorities of foreign countries to enhance the ability of such authorities to enforce intellectual property rights.

(c) INTERAGENCY COLLABORATION.—The Commissioner and the Director of U.S. Immigration and Customs Enforcement shall lead interagency efforts to collaborate with law enforcement and customs authorities of foreign countries to enforce intellectual property rights.

SEC. 310. REPORT ON INTELLECTUAL PROPERTY RIGHTS ENFORCEMENT.

Not later than June 30, 2016, and annually thereafter, the Commissioner and the Director of U.S. Immigration and Customs Enforcement shall jointly submit to the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a report that contains the following:

(1) With respect to the enforcement of intellectual property rights, the following:

(A) The number of referrals, during the preceding year, from U.S. Customs and Border Protection to U.S. Immigration and Customs Enforcement relating to infringement of intellectual property rights .

(B) The number of investigations relating to the infringement of intellectual property rights referred by U.S. Immigration and Customs Enforcement to a United States attorney for prosecution and the United States attorneys to which those investigations were referred.

(C) The number of such investigations accepted by each such United States attorney and the status or outcome of each such investigation.

(D) The number of such investigations that resulted in the imposition of civil or criminal penalties.

(E) A description of the efforts of U.S. Custom and Border Protection and U.S. Immigration and Customs Enforcement to improve the success rates of investigations and prosecutions relating to the infringement of intellectual property rights.

(2) An estimate of the average time required by the Office of International Trade of U.S. Customs and Border Protection to respond to a request from port personnel for advice with respect to whether merchandise detained by U.S. Customs and Border Protection infringed intellectual property rights, distinguished by types of intellectual property rights infringed.

(3) A summary of the outreach efforts of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement with respect to—

(A) the interdiction and investigation of, and the sharing of information between those agencies and other Federal agencies to prevent, the infringement of intellectual property rights;

(B) collaboration with private sector entities—

(i) to identify trends in the infringement of, and technologies that infringe, intellectual property rights;

(ii) to identify opportunities for enhanced training of officers of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement; and

(iii) to develop best practices to enforce intellectual property rights; and

(C) coordination with foreign governments and international organizations with respect to the enforcement of intellectual property rights.

(4) A summary of the efforts of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to address the challenges with respect to the enforcement of intellectual property rights presented by Internet commerce and the transit of small packages and an identification of the volume, value, and type of merchandise

seized for infringing intellectual property rights as a result of such efforts.

(5) A summary of training relating to the enforcement of intellectual property rights conducted under section 308 and expenditures for such training.

SEC. 311. INFORMATION FOR TRAVELERS REGARDING VIOLATIONS OF INTELLECTUAL PROPERTY RIGHTS.

(a) IN GENERAL.—The Secretary of Homeland Security shall develop and carry out an educational campaign to inform travelers entering or leaving the United States about the legal, economic, and public health and safety implications of acquiring merchandise that infringes intellectual property rights outside the United States and importing such merchandise into the United States in violation of United States law.

(b) DECLARATION FORMS.—The Commissioner shall ensure that all versions of Declaration Form 6059B of U.S. Customs and Border Protection, or a successor form, including any electronic equivalent of Declaration Form 6059B or a successor form, printed or displayed on or after the date that is 30 days after the date of the enactment of this Act include a written warning to inform travelers arriving in the United States that importation of merchandise into the United States that infringes intellectual property rights may subject travelers to civil or criminal penalties and may pose serious risks to safety or health.

TITLE IV—PREVENTION OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Preventing Recurring Trade Evasion and Circumvention Act'' or ''PROTECT Act''.

SEC. 402. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Finance and the Committee on Appropriations of the Senate; and

(B) the Committee on Ways and Means and the Committee on Appropriations of the House of Representatives.

(2) COVERED MERCHANDISE.—The term ''covered merchandise'' means merchandise that is subject to—

(A) a countervailing duty order issued under section 706 of the Tariff Act of 1930; or

(B) an antidumping duty order issued under section 736 of the Tariff Act of 1930.

(3) ELIGIBLE SMALL BUSINESS.—

(A) IN GENERAL.—The term ''eligible small business'' means any business concern which, in the Commissioner's judgment, due to its small size, has neither adequate internal resources nor financial ability to obtain qualified outside assistance in preparing and submitting for consideration allegations of evasion.

(B) NONREVIEWABILITY.—Any agency decision regarding whether a business concern is an eligible small business for purposes of section 411(b)(4)(E) is not reviewable by any other agency or by any court.

(4) ENTER; ENTRY.—The terms ''enter'' and ''entry'' refer to the entry, or withdrawal from warehouse for consumption, in the customs territory of the United States.

(5) EVADE; EVASION.—The terms ''evade'' and ''evasion'' refer to entering covered merchandise into the customs territory of the United States by means of any document or electronically transmitted data or information, written or oral statement, or act that is material and false, or any omission that is material, and that results in any cash deposit or other security or any amount of applicable antidumping or countervailing duties being reduced or not being applied with respect to the merchandise.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(7) TRADE REMEDY LAWS.—The term ''trade remedy laws'' means title VII of the Tariff Act of 1930.

SEC. 403. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3438), this title and the amendments made by this title shall apply with respect to goods from Canada and Mexico.

SUBTITLE A—ACTIONS RELATING TO ENFORCEMENT OF TRADE REMEDY LAWS

SEC. 411. TRADE REMEDY LAW ENFORCEMENT DIVISION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Homeland Security shall establish and maintain within the Office of International Trade of U.S. Customs and Border Protection, established under section 2(d) of the Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2072(d)), a Trade Remedy Law Enforcement Division.

(2) COMPOSITION.—The Trade Law Remedy Enforcement Division shall be composed of—

(A) headquarters personnel led by a Director, who shall report to the Assistant Commissioner of the Office of International Trade; and

(B) a National Targeting and Analysis Group dedicated to preventing and countering evasion.

(3) DUTIES.—The Trade Remedy Law Enforcement Division shall be dedicated—

(A) to the development and administration of policies to prevent and counter evasion;

(B) to direct enforcement and compliance assessment activities concerning evasion;

(C) to the development and conduct of commercial risk assessment targeting with respect to cargo destined for the United States in accordance with subsection (c);

(D) to issuing Trade Alerts described in subsection (d); and

(E) to the development of policies for the application of single entry and continuous bonds for entries of covered merchandise to sufficiently protect the collection of antidumping and countervailing duties commensurate with the level of risk of noncollection.

(b) DUTIES OF DIRECTOR.—The duties of the Director of the Trade Remedy Law Enforcement Division shall include—

(1) directing the trade enforcement and compliance assessment activities of U.S. Customs and Border Protection that concern evasion;

(2) facilitating, promoting, and coordinating cooperation and the exchange of information between U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and other relevant agencies regarding evasion;

(3) notifying on a timely basis the administering authority (as defined in section 771(1) of the Tariff Act of 1930 (19 U.S.C. 1677(1))) and the Commission (as defined in section 771(2) of the Tariff Act of 1930 (19 U.S.C. 1677(2))) of any finding, determination, civil action, or criminal action taken by U.S. Customs and Border Protection or other Federal agency regarding evasion;

(4) serving as the primary liaison between U.S. Customs and Border Protection and the public regarding United States Government activities concerning evasion, including—

(A) receive and transmit to the appropriate U.S. Customs and Border Protection office allegations from parties of evasion;

(B) upon request by the party or parties that submitted an allegation of evasion, provide information to such party or parties on the status of U.S. Customs and Border Protection's consideration of the allegation and decision to pursue or not pursue any administrative inquiries or other actions, such as changes in policies, procedures, or resource allocation as a result of the allegation;

(C) as needed, request from the party or parties that submitted an allegation of evasion any additional information that may be relevant for U.S. Customs and Border Protection determining whether to initiate an administrative inquiry or take any other action regarding the allegation;

(D) notify on a timely basis the party or parties that submitted such an allegation of the results of any administrative, civil or criminal actions taken by U.S. Customs and Border Protection or other Federal agency regarding evasion as a direct or indirect result of the allegation;

(E) upon request, provide technical assistance and advice to eligible small businesses to enable such businesses to prepare and submit allegations of evasion, except that the Director may deny assistance if the Director concludes that the allegation, if submitted, would not lead to the initiation of an administrative inquiry or any other action to address the allegation;

(F) in cooperation with the public, the Commercial Customs Operations Advisory Committee, the Trade Support Network, and any other relevant parties and organizations, develop guidelines on the types and nature of information that may be provided in allegations of evasion; and

(G) regularly consult with the public, the Commercial Customs Operations Advisory Committee, the Trade Support Network, and any other relevant parties and organizations regarding the development and implementation of regulations, interpretations, and policies related to countering evasion.

(c) PREVENTING AND COUNTERING EVASION OF THE TRADE REMEDY LAWS.—In carrying out its duties with respect to preventing and countering evasion, the National Targeting and Analysis Group dedicated to preventing and countering evasion shall—

(1) establish targeted risk assessment methodologies and standards—

(A) for evaluating the risk that cargo destined for the United States may constitute evading covered merchandise; and

(B) for issuing, as appropriate, Trade Alerts described in subsection (d); and

(2) to the extent practicable and otherwise authorized by law, use information available from the Automated Commercial System, the Automated Commercial Environment computer system, the Automated Targeting System, the Automated Export System, the International Trade Data System, and the TECS, and any similar and successor systems, to administer the methodologies and standards established under paragraph (1).

(d) TRADE ALERTS.—Based upon the application of the targeted risk assessment methodologies and standards established under subsection (c), the Director of the Trade Remedy Law Enforcement Division shall issue Trade Alerts or other such means of notification to directors of United States ports of entry directing further inspection, physical examination, or testing of merchandise to ensure compliance with the trade remedy laws and to require additional bonds, cash deposits, or other security to ensure collection of any duties, taxes and fees owed.

SEC. 412. COLLECTION OF INFORMATION ON EVASION OF TRADE REMEDY LAWS.

(a) AUTHORITY TO COLLECT INFORMATION.—To determine whether covered merchandise is being entered into the customs territory of the United States through evasion, the Secretary, acting through the Commissioner—

(1) shall exercise all existing authorities to collect information needed to make the determination; and

(2) may collect such additional information as is necessary to make the determination through such methods as the Commissioner considers appropriate, including by issuing questionnaires with respect to the entry or entries at issue to—

(A) a person who filed an allegation with respect to the covered merchandise;

(B) a person who is alleged to have entered the covered merchandise into the customs territory of the United States through evasion; or

(C) any other person who is determined to have information relevant to the allegation of entry of covered merchandise into the customs territory of the United States through evasion.

(b) ADVERSE INFERENCE.—

(1) IN GENERAL.—If the Secretary finds that a person who filed an allegation, a person alleged to have entered covered merchandise into the customs territory of the United States through evasion, or a foreign producer or exporter of covered merchandise that is alleged to have entered into the customs territory of the United States through evasion, has failed to cooperate by not acting to the best of the person's ability to comply with a request for information, the Secretary may, in making a determination whether an entry or entries of covered merchandise may constitute merchandise that is entered into the customs territory of the United States through evasion, use an inference that is adverse to the interests of that person in selecting from among the facts otherwise available to determine whether evasion has occurred.

(2) ADVERSE INFERENCE DESCRIBED.—An adverse inference used under paragraph (1) may include reliance on information derived from—

(A) the allegation of evasion of the trade remedy laws, if any, submitted to U.S. Customs and Border Protection;

(B) a determination by the Commissioner in another investigation, proceeding, or other action regarding evasion of the unfair trade laws; or

(C) any other available information.

SEC. 413. ACCESS TO INFORMATION.

(a) IN GENERAL.—Section 777(b)(1)(A)(ii) of the Tariff Act of 1930 (19 U.S.C. 1677f(b)(1)(A)(ii)) is amended by inserting ''negligence, gross negligence, or'' after ''regarding''.

(b) ADDITIONAL INFORMATION.—Notwithstanding any other provision of law, the Secretary is authorized to provide to the Secretary of Commerce or the United States International Trade Commission any information that is necessary to enable the Secretary of Commerce or the United States International Trade Commission to assist the Secretary to identify, through risk assessment targeting or otherwise, covered merchandise that is entered into the customs territory of the United States through evasion.

SEC. 414. COOPERATION WITH FOREIGN COUNTRIES ON PREVENTING EVASION OF TRADE REMEDY LAWS.

(a) BILATERAL AGREEMENTS.—

(1) IN GENERAL.—The Secretary shall seek to negotiate and enter into bilateral agreements with the customs authorities or other appropriate authorities of foreign countries for purposes of cooperation on preventing evasion of the trade remedy laws of the United States and the trade remedy laws of the other country.

(2) PROVISIONS AND AUTHORITIES.—The Secretary shall seek to include in each such bilateral agreement the following provisions and authorities:

(A) On the request of the importing country, the exporting country shall provide, consistent with its laws, regulations, and procedures, production, trade, and transit documents and other information necessary to determine whether an entry or entries exported from the exporting country are subject to the importing country's trade remedy laws.

(B) On the written request of the importing country, the exporting country shall conduct a verification for purposes of enabling the importing country to make a determination described in subparagraph (A).

(C) The exporting country may allow the importing country to participate in a verification described in subparagraph (B), including through a site visit.

(D) If the exporting country does not allow participation of the importing country in a verification described in subparagraph (B), the importing country may take this fact into consideration in its trade enforcement and compliance assessment activities regarding the compliance of the exporting country's exports with the importing country's trade remedy laws.

(b) CONSIDERATION.—The Commissioner is authorized to take into consideration whether a country is a signatory to a bilateral agreement described in subsection (a) and the extent to which the country is cooperating under the bilateral agreement for purposes of trade enforcement and compliance assessment activities of U.S. Customs and Border Protection that concern evasion by such country's exports.

(c) REPORT.—Not later than December 31 of each year beginning after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report summarizing—

(1) the status of any ongoing negotiations of bilateral agreements described in subsection (a), including the identities of the countries involved in such negotiations;

(2) the terms of any completed bilateral agreements described in subsection (a); and

(3) bilateral cooperation and other activities conducted pursuant to or enabled by any completed bilateral agreements described in subsection (a).

SEC. 415. TRADE NEGOTIATING OBJECTIVES.

The principal negotiating objectives of the United States shall include obtaining the objectives of the bilateral agreements described under section 414(a) for any trade agreements under negotiation as of the date of the enactment of this Act or future trade agreement negotiations.

SUBTITLE B—INVESTIGATION OF EVASION OF TRADE REMEDY LAWS

SEC. 421. PROCEDURES FOR INVESTIGATION OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

(a) IN GENERAL.—Title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) is amended by inserting after section 781 the following:

''SEC. 781A. PROCEDURES FOR PREVENTION OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTERING AUTHORITY.—The term 'administering authority' has the meaning given that term in section 771.

''(2) COMMISSIONER.—The term 'Commissioner' means the Commissioner of U.S. Customs and Border Protection.

''(3) COVERED MERCHANDISE.—The term 'covered merchandise' means merchandise that is subject to—

''(A) a countervailing duty order issued under section 706; or

''(B) an antidumping duty order issued under section 736.

''(4) EVASION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'evasion' refers to entering covered merchandise into the customs territory of the United States by means of any document or electronically transmitted data or information, written or oral statement, or act that is material and false, or any omission that is material, and that results in any cash deposit or other security or any amount of applicable antidumping or countervailing duties being reduced or not being applied with respect to the merchandise.

''(B) EXCEPTION FOR CLERICAL ERROR.—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'evasion' does not include entering covered merchandise into the customs territory of the United States by means of—

''(I) a document or electronically transmitted data or information, written or oral statement, or act that is false as a result of a clerical error; or

''(II) an omission that results from a clerical error.

''(ii) PATTERNS OF NEGLIGENT CONDUCT.—If the administering authority determines that a person has entered covered merchandise into the customs territory of the United States by means of a clerical error referred to in subclause (I) or (II) of clause (i) and that the clerical error is part of a pattern of negligent conduct on the part of that person, the administering authority may determine, notwithstanding clause (i), that the person has entered such covered merchandise into the customs territory of the United States by means of evasion.

''(iii) ELECTRONIC REPETITION OF ERRORS.—For purposes of clause (ii), the mere unintentional repetition by an electronic system of an initial clerical error does not constitute a pattern of negligent conduct.

''(iv) RULE OF CONSTRUCTION.—A determination by the administering authority that a person has entered covered merchandise into the customs territory of the United States by means of a clerical error referred to in subclause (I) or (II) of clause (i) rather than by means of evasion shall not be construed to excuse that person from the payment of any duties applicable to the merchandise.

''(b) INVESTIGATION BY ADMINISTERING AUTHORITY.—

''(1) PROCEDURES FOR INITIATING INVESTIGATIONS.—

''(A) INITIATION BY ADMINISTERING AUTHORITY.—An investigation under this subsection shall be initiated with respect to merchandise imported into the United States whenever the administering authority determines, from information available to the administering authority, that an investigation is warranted with respect to whether the merchandise is covered merchandise that has entered into the customs territory of the United States by means of evasion.

''(B) INITIATION BY PETITION OR REFERRAL.—

''(i) IN GENERAL.—The administering authority shall determine whether to initiate an investigation under this subparagraph not later than 30 days after the date on which the administering authority receives a petition described in clause (ii) or a referral described in clause (iii).

''(ii) PETITION DESCRIBED.—A petition described in this clause is a petition that—

''(I) is filed with the administering authority by an interested party specified in subparagraph (A), (C), (D), (E), (F), or (G) of section 771(9);

''(II) alleges that merchandise imported into the United States is covered merchandise that has entered into the customs territory of the United States by means of evasion; and

''(III) is accompanied by information reasonably available to the petitioner supporting those allegations.

''(iii) REFERRAL DESCRIBED.—A referral described in this clause is a referral made by the Commissioner pursuant to subsection (c)(1).

''(2) TIME LIMITS FOR DETERMINATIONS.—

''(A) PRELIMINARY DETERMINATION.—

''(i) IN GENERAL.—Not later than 90 days after the administering authority initiates an investigation under paragraph (1) with respect to merchandise, the administering authority shall issue a preliminary determination, based on information available to the administering authority at the time of the determination, with respect to whether there is a reasonable basis to believe or suspect that the merchandise is covered merchandise that has entered into the customs territory of the United States by means of evasion.

''(ii) EXPEDITED PROCEDURES.—If the administering authority determines that expedited action is warranted with respect to an investigation initiated under paragraph (1), the administering authority may publish the notice of initiation of the investigation and the notice of the preliminary determination in the Federal Register at the same time.

''(B) FINAL DETERMINATION BY THE ADMINISTERING AUTHORITY.—Not later than 300 days after the date on which the administering authority initiates an investigation under paragraph (1) with respect to merchandise, the administering authority shall issue a final determination with respect to whether the merchandise is covered merchandise that has entered into the customs territory of the United States by means of evasion.

''(3) ACCESS TO INFORMATION.—

''(A) ENTRY DOCUMENTS, RECORDS, AND OTHER INFORMATION.—Not later than 10 days after receiving a request from the administering authority with respect to merchandise that is the subject of an investigation under paragraph (1), the Commissioner shall transmit to the administering authority copies of the documentation and information required by section 484(a)(1) with respect to the entry of the merchandise, as well as any other documentation or information requested by the administering authority.

''(B) ACCESS OF INTERESTED PARTIES.—Not later than 10 business days after the date on which the administering authority initiates an investigation under paragraph (1) with respect to merchandise, the administering authority shall provide to the authorized representative of each interested party that filed a petition under paragraph (1) or otherwise participates in a proceeding, pursuant to a protective order, the copies of the entry documentation and any other information received by the administering authority under subparagraph (A).

''(C) BUSINESS PROPRIETARY INFORMATION FROM PRIOR SEGMENTS.—If an authorized representative of an interested party participating in an investigation under paragraph (1) has access to business proprietary information released pursuant to an administrative protective order in a proceeding under subtitle A, B, or C of title VII of the Tariff Act of 1930 that is relevant to the investigation conducted under paragraph (1), that authorized representative may submit such information to the administering authority for its consideration in the context of the investigation conducted under paragraph (1).

''(4) AUTHORITY TO COLLECT AND VERIFY ADDITIONAL INFORMATION.—In making a determination under paragraph (2) with respect to covered merchandise, the administering authority may collect such additional information as is necessary to make the determination through such methods as the administering authority considers appropriate, including by—

''(A) issuing a questionnaire with respect to such covered merchandise to—

''(i) a person that filed an allegation under paragraph (1)(B)(ii) that resulted in the initiation of an investigation under paragraph (1)(A) with respect to such covered merchandise;

''(ii) a person alleged to have entered such covered merchandise into the customs territory of the United States by means of evasion;

''(iii) a person that is a foreign producer or exporter of such covered merchandise; or

''(iv) the government of a country from which such covered merchandise was exported;

''(B) conducting verifications, including on-site verifications, of any relevant information; and

''(C) requesting—

''(i) that the Commissioner provide any information and data available to U.S. Customs and Border Protection, and

''(ii) that the Commissioner gather additional necessary information from the importer of covered merchandise and other relevant parties.

''(5) ADVERSE INFERENCE.—If the administering authority finds that a person described in clause (i), (ii), or (iii) of paragraph (4)(A) has failed to cooperate by not acting to the best of the person's ability to comply with a request for information, the administering authority may, in making a determination under paragraph (2), use an inference that is adverse to the interests of that person in selecting from among the facts otherwise available to make the determination.

''(6) EFFECT OF AFFIRMATIVE PRELIMINARY DETERMINATION.—If the administering authority makes a preliminary determination under paragraph (2)(A) that merchandise is covered merchandise that has entered into the customs territory of the United States by means of evasion, the administering authority shall instruct U.S. Customs and Border Protection—

''(A) to suspend liquidation of each entry of the merchandise that—

''(i) enters on or after the date of the preliminary determination; or

''(ii) enters before that date, if the liquidation of the entry is not final on that date; and

''(B) to require the posting of a cash deposit for each entry of the merchandise in an amount determined pursuant to the order, or administrative review conducted under section 751, that applies to the merchandise.

''(7) EFFECT OF AFFIRMATIVE FINAL DETERMINATION.—

''(A) IN GENERAL.—If the administering authority makes a final determination under paragraph (2)(B) that merchandise is covered merchandise that has entered into the customs territory of the United States by means of evasion, the administering authority shall instruct U.S. Customs and Border Protection—

''(i) to assess duties on the merchandise in an amount determined pursuant to the order, or administrative review conducted under section 751, that applies to the merchandise;

''(ii) notwithstanding section 501, to reliquidate, in accordance with such order or administrative review, each entry of the merchandise that was liquidated and is determined to include covered merchandise; and

''(iii) to review and reassess the amount of bond or other security the importer is required to post for such merchandise entered on or after the date of the final determination to ensure the protection of revenue and compliance with the law.

''(B) ADDITIONAL AUTHORITY.—If the administering authority makes a final determination under paragraph (2)(B) that merchandise is covered merchandise that has entered into the customs territory of the United States by means of evasion, the administering authority may instruct U.S. Customs and Border Protection to require the importer of the merchandise to post a cash deposit or bond on such merchandise entered on or after the date of the final determination in an amount the administering authority determines in the final determination to be owed with respect to the merchandise.

''(8) EFFECT OF NEGATIVE FINAL DETERMINATION.—If the administering authority makes a final determination under paragraph (2)(B) that merchandise is not covered merchandise that has entered into the customs territory of the United States by means of evasion, the administering authority shall terminate the suspension of liquidation and refund any cash deposit imposed pursuant to paragraph (6) with respect to the merchandise.

''(9) NOTIFICATION.—Not later than 5 business days after making a determination under paragraph (2) with respect to covered merchandise, the administering authority may provide to importers, in such manner as the administering authority determines appropriate, information discovered in the investigation that the administering authority determines will help educate importers with respect to importing merchandise into the customs territory of the United States in accordance with all applicable laws and regulations.

''(10) SPECIAL RULE FOR CASES IN WHICH THE PRODUCER OR EXPORTER IS UNKNOWN.—If the administering authority is unable to determine the actual producer or exporter of the merchandise with respect to which the administering authority initiated an investigation under paragraph (1), the administering authority shall, in requiring the posting of a cash deposit under paragraph (6) or assessing duties pursuant to paragraph (7)(A), impose the cash deposit or duties (as the case may be) in the highest amount applicable to any producer or exporter of the merchandise pursuant to any order, or any administrative review conducted under section 751.

''(11) PUBLICATION OF DETERMINATIONS.—The administering authority shall publish in the Federal Register each notice of initiation of an investigation made under paragraph (1)(A), each preliminary determination made under paragraph (2)(A), and each final determination made under paragraph (2)(B).

''(12) REFERRALS TO OTHER AGENCIES.—

''(A) AFTER PRELIMINARY DETERMINATION.—Notwithstanding section 777 and subject to subparagraph (C), when the administering authority makes an affirmative preliminary determination under paragraph (2)(A), the administering authority shall—

''(i) transmit the administrative record to the Commissioner for such additional action as the Commissioner determines appropriate, including proceedings under section 592; and

''(ii) at the request of the head of another agency, transmit the administrative record to the head of that agency.

''(B) AFTER FINAL DETERMINATION.—Notwithstanding section 777 and subject to subparagraph (C), when the administering authority makes an affirmative final determination under paragraph (2)(B), the administering authority shall—

''(i) transmit the complete administrative record to the Commissioner; and

''(ii) at the request of the head of another agency, transmit the complete administrative record to the head of that agency.

''(c) REFERRAL BY U.S. CUSTOMS AND BORDER PROTECTION.—In the event the Commissioner receives information that a person has entered covered merchandise into the customs territory of the United States through

evasion, but is not able to determine whether the merchandise is in fact covered merchandise, the Commissioner shall—

''(1) refer the matter to the administering authority for additional proceedings under subsection (b); and

''(2) transmit to the administering authority—

''(A) copies of the entry documents and information required by section 484(a)(1) relating to the merchandise; and

''(B) any additional records or information that the Commissioner considers appropriate.

''(d) COOPERATION BETWEEN U.S. CUSTOMS AND BORDER PROTECTION AND THE DEPARTMENT OF COMMERCE.—

''(1) NOTIFICATION OF INVESTIGATIONS.—Upon receiving a petition and upon initiating an investigation under subsection (b), the administering authority shall notify the Commissioner.

''(2) PROCEDURES FOR COOPERATION.—Not later than 180 days after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the Commissioner and the administering authority shall establish procedures to ensure maximum cooperation and communication between U.S. Customs and Border Protection and the administering authority in order to quickly, efficiently, and accurately investigate allegations of evasion of antidumping and countervailing duty orders.

''(e) ANNUAL REPORT ON PREVENTING EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—

''(1) IN GENERAL.—Not later than February 28 of each year beginning in 2016, the Under Secretary for International Trade of the Department of Commerce shall submit to the Committee on Finance and the Committee on Appropriations of the Senate and the Committee on Ways and Means and the Committee on Appropriations of the House of Representatives a report on the efforts being taken under subsection (b) to prevent evasion of antidumping and countervailing duty orders.

''(2) CONTENTS.—Each report required by paragraph (1) shall include, for the calendar year preceding the submission of the report—

''(A)(i) the number of investigations initiated pursuant to subsection (b); and

''(ii) a description of such investigations, including—

''(I) the results of such investigations; and

''(II) the amount of antidumping and countervailing duties collected as a result of such investigations; and

''(B) the number of referrals made by the Commissioner pursuant to subsection (c).''.

(b) TECHNICAL AMENDMENT.—The table of contents for title VII of the Tariff Act of 1930 is amended by inserting after the item relating to section 781 the following:

''Sec. 781A. Procedures for prevention of evasion of antidumping and countervailing duty orders.''.

(c) JUDICIAL REVIEW.—Section 516A(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)(2)) is amended—

(1) in subparagraph (A)(i)(I), by striking ''or (viii)'' and inserting ''(viii), or (ix)''; and

(2) in subparagraph (B), by inserting at the end the following:

''(ix) A determination by the administering authority under section 781A.''.

(d) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act—

(1) the Secretary of Commerce shall prescribe such regulations as may be necessary to carry out subsection (b) of section 781A of the Tariff Act of 1930 (as added by subsection (a) of this section); and

(2) the Commissioner shall prescribe such regulations as may be necessary to carry out subsection (c) of such section 781A.

(e) EFFECTIVE DATE.—The amendments made by this section shall—

(1) take effect on the date that is 180 days after the date of the enactment of this Act; and

(2) apply with respect to merchandise entered on or after such date of enactment.

SEC. 422. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.

Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Finance and the Committee on Appropriations of the Senate and the Committee on Ways and Means and the Committee on Appropriations of the House of Representatives a report assessing the effectiveness of—

(1) the provisions of, and amendments made by, this subtitle; and

(2) the actions taken and procedures developed by the Secretary of Commerce and the Commissioner pursuant to such provisions and amendments to prevent evasion of antidumping and countervailing duty orders under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.).

SUBTITLE C—OTHER MATTERS

SEC. 431. ALLOCATION AND TRAINING OF PERSONNEL.

The Commissioner shall, to the maximum extent possible, ensure that U.S. Customs and Border Protection—

(1) employs sufficient personnel who have expertise in, and responsibility for, preventing and investigating the entry of covered merchandise into the customs territory of the United States through evasion;

(2) on the basis of risk assessment metrics, assigns sufficient personnel with primary responsibility for preventing the entry of covered merchandise into the customs territory of the United States through evasion to the ports of entry in the United States at which the Commissioner determines potential evasion presents the most substantial threats to the revenue of the United States; and

(3) provides adequate training to relevant personnel to increase expertise and effectiveness in the prevention and identification of entries of covered merchandise into the customs territory of the United States through evasion.

SEC. 432. ANNUAL REPORT ON PREVENTION OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

(a) IN GENERAL.—Not later than February 28 of each year, beginning in 2016, the Commissioner, in consultation with the Secretary of Commerce and the Director of U.S. Immigration and Customs Enforcement, shall submit to the appropriate congressional committees a report on the efforts being taken to prevent and investigate evasion.

(b) CONTENTS.—Each report required under subsection (a) shall include—

(1) for the calendar year preceding the submission of the report—

(A) a summary of the efforts of U.S. Customs and Border Protection to prevent and identify evasion;

(B) the number of allegations of evasion received and the number of allegations of evasion resulting in any administrative, civil, or criminal actions by U.S. Customs and Border Protection or any other agency;

(C) a summary of the completed administrative inquiries of evasion, including the number and nature of the inquiries initiated, conducted, or completed, as well as their resolution;

(D) with respect to inquiries that lead to issuance of a penalty notice, the penalty amounts;

(E) the amounts of antidumping and countervailing duties collected as a result of any actions by U.S. Customs and Border Protection or any other agency;

(F) a description of the allocation of personnel and other resources of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to prevent, identify, and investigate evasion, including any assessments conducted regarding the allocation of such personnel and resources; and

(G) a description of training conducted to increase expertise and effectiveness in the prevention, identification, and investigation of evasion; and

(2) a description of U.S. Customs and Border Protection processes and procedures to prevent and identify evasion, including—

(A) the specific guidelines, policies, and practices used by U.S. Customs and Border Protection to ensure that allegations of evasion are promptly evaluated and acted upon in a timely manner;

(B) an evaluation of the efficacy of such existing guidelines, policies, and practices;

(C) identification of any changes since the last report that have materially improved or reduced the effectiveness of U.S. Customs and Border Protection to prevent and identify evasion;

(D) a description of the development and implementation of policies for the application of single entry and continuous bonds for entries of covered merchandise to sufficiently protect the collection of antidumping and countervailing duties commensurate with the level of risk on noncollection;

(E) the processes and procedures for increased cooperation and information sharing with the Department of Commerce, U.S. Immigration and Customs Enforcement, and any other relevant Federal agencies to prevent and identify evasion; and

(F) identification of any recommended policy changes of other Federal agencies or legislative changes to improve the effectiveness of U.S. Customs and Border Protection to prevent and identify evasion.

SEC. 433. ADDRESSING CIRCUMVENTION BY NEW SHIPPERS.

Section 751(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(2)(B)) is amended—

(1) by striking clause (iii);

(2) by redesignating clause (iv) as clause (iii); and

(3) inserting after clause (iii), as redesignated by paragraph (2) of this section, the following:

''(iv) DETERMINATIONS BASED ON BONAFIDE SALES.—Any weighted average dumping margin or individual countervailing duty rate determined for an exporter or producer in a review conducted under clause (i) shall be based solely on the bona fide United States sales of an exporter or producer, as the case may be, made during the period covered by the review. In determining whether the United States sales of an exporter or producer made during the period covered by the review were bona fide, the administering authority shall consider, depending on the circumstances surrounding such sales—

''(I) the prices of such sales;

''(II) whether such sales were made in commercial quantities;

''(III) the timing of such sales;

''(IV) the expenses arising from such sales;

''(V) whether the subject merchandise involved in such sales was resold in the United States at a profit;

''(VI) whether such sales were made on an arms-length basis; and

''(VII) any other factor the administering authority determines to be relevant as to whether such sales are, or are not, likely to be typical of those the exporter or producer will make after completion of the review.''.

TITLE V—IMPROVEMENTS TO ANTIDUMPING AND COUNTERVAILING DUTY LAWS

SEC. 501. SHORT TITLE.

This title may be cited as the ''American Trade Enforcement Effectiveness Act''.

SEC. 502. CONSEQUENCES OF FAILURE TO COOPERATE WITH A REQUEST FOR INFORMATION IN A PROCEEDING.

Section 776 of the Tariff Act of 1930 (19 U.S.C. 1677e) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and by moving such subparagraphs, as so redesignated, 2 ems to the right;

(B) by striking ''ADVERSE INFERENCES.—If'' and inserting the following: ''ADVERSE INFERENCES.—

''(1) IN GENERAL.—If'';

(C) by striking ''under this title, may use'' and inserting the following: ''under this title—

''(A) may use''; and

(D) by striking ''facts otherwise available. Such adverse inference may include'' and inserting the following: ''facts otherwise available; and

''(B) is not required to determine, or make any adjustments to, a countervailable subsidy rate or weighted average dumping margin based on any assumptions about information the interested party would have provided if the interested party had complied with the request for information.

''(2) POTENTIAL SOURCES OF INFORMATION FOR ADVERSE INFERENCES.—An adverse inference under paragraph (1)(A) may include'';

(2) in subsection (c)—

(A) by striking ''CORROBORATION OF SECONDARY INFORMATION.—When the'' and inserting the following: ''CORROBORATION OF SECONDARY INFORMATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), when the''; and

(B) by adding at the end the following:

''(2) EXCEPTION.—The administrative authority and the Commission shall not be required to corroborate any dumping margin or countervailing duty applied in a separate segment of the same proceeding.''; and

(3) by adding at the end the following:

''(d) SUBSIDY RATES AND DUMPING MARGINS IN ADVERSE INFERENCE DETERMINATIONS.—

''(1) IN GENERAL.—If the administering authority uses an inference that is adverse to the interests of a party under subsection (b)(1)(A) in selecting among the facts otherwise available, the administering authority may—

''(A) in the case of a countervailing duty proceeding—

''(i) use a countervailable subsidy rate applied for the same or similar program in a countervailing duty proceeding involving the same country, or

''(ii) if there is no same or similar program, use a countervailable subsidy rate for a subsidy program from a proceeding that the administering authority considers reasonable to use, and

''(B) in the case of an antidumping duty proceeding, use any dumping margin from any segment of the proceeding under the applicable antidumping order.

''(2) DISCRETION TO APPLY HIGHEST RATE.—In carrying out paragraph (1), the administering authority may apply any of the countervailable subsidy rates or dumping margins specified under that paragraph, including the highest such rate or margin, based on the evaluation by the administering authority of the situation that resulted in the administering authority using an adverse inference in selecting among the facts otherwise available.

''(3) NO OBLIGATION TO MAKE CERTAIN ESTIMATES OR ADDRESS CERTAIN CLAIMS.—If the administering authority uses an adverse inference under subsection (b)(1)(A) in selecting among the facts otherwise available, the administering authority is not required, for purposes of subsection (c) or for any other purpose—

''(A) to estimate what the countervailable subsidy rate or dumping margin would have been if the interested party found to have failed to cooperate under subsection (b)(1) had cooperated, or

''(B) to demonstrate that the countervailable subsidy rate or dumping margin used by the administering authority reflects an alleged commercial reality of the interested party.''.

SEC. 503. DEFINITION OF MATERIAL INJURY.

(a) EFFECT OF PROFITABILITY OF DOMESTIC INDUSTRIES.—Section 771(7) of the Tariff Act of 1930 (19 U.S.C. 1677(7)) is amended by adding at the end the following:

''(J) EFFECT OF PROFITABILITY.—The Commission may not determine that there is no material injury or threat of material injury to an industry in the United States merely because that industry is profitable or because the performance of that industry has recently improved.''.

(b) EVALUATION OF IMPACT ON DOMESTIC INDUSTRY IN DETERMINATION OF MATERIAL INJURY.—Subclause (I) of section 771(7)(C)(iii) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(C)(iii)) is amended to read as follows:

''(I) actual and potential decline in output, sales, market share, gross profits, operating profits, net profits, ability to service debt, productivity, return on investments, return on assets, and utilization of capacity,''.

(c) CAPTIVE PRODUCTION.—Section 771(7)(C)(iv) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(C)(iv)) is amended—

(1) in subclause (I), by striking the comma and inserting '', and'';

(2) in subclause (II), by striking '', and'' and inserting a comma; and

(3) by striking subclause (III).

SEC. 504. PARTICULAR MARKET SITUATION.

(a) DEFINITION OF ORDINARY COURSE OF TRADE.—Section 771(15) of the Tariff Act of 1930 (19 U.S.C. 1677(15)) is amended by adding at the end the following:

''(C) Situations in which the administering authority determines that the particular market situation prevents a proper comparison with the export price or constructed export price.''.

(b) DEFINITION OF NORMAL VALUE.—Section 773(a)(1)(B)(ii)(III) of the Tariff Act of 1930 (19 U.S.C. 1677b(a)(1)(B)(ii)(III)) is amended by striking ''in such other country.''.

(c) DEFINITION OF CONSTRUCTED VALUE.—Section 773(e) of the Tariff Act of 1930 (19 U.S.C. 1677b(e)) is amended—

(1) in paragraph (1), by striking ''business'' and inserting ''trade''; and

(2) by striking the flush text at the end and inserting the following:

''For purposes of paragraph (1), if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology. For purposes of paragraph (1), the cost of materials shall be determined without regard to any internal tax in the exporting country imposed on such materials or their disposition that is remitted or refunded upon exportation of the subject merchandise produced from such materials.''.

SEC. 505. DISTORTION OF PRICES OR COSTS.

(a) INVESTIGATION OF BELOW-COST SALES.—Section 773(b)(2) of the Tariff Act of 1930 (19 U.S.C. 1677b(b)(2)) is amended by striking subparagraph (A) and inserting the following:

''(A) REASONABLE GROUNDS TO BELIEVE OR SUSPECT.—

''(i) REVIEW.—In a review conducted under section 751 involving a specific exporter, there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that are less than the cost of production of the product if the administering authority disregarded some or all of the exporter's sales pursuant to paragraph (1) in the investigation or, if a review has been completed, in the most recently completed review.

''(ii) REQUESTS FOR INFORMATION.—In an investigation initiated under section 732 or a review conducted under section 751, the administering authority shall request information necessary to calculate the constructed value and cost of production under subsections (e) and (f) to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the cost of production of the product.''.

(b) PRICES AND COSTS IN NONMARKET ECONOMIES.—Section 773(c) of the Tariff Act of 1930 (19 U.S.C. 1677b(c)) is amended by adding at the end the following:

''(5) DISCRETION TO DISREGARD CERTAIN PRICE OR COST VALUES.—In valuing the factors of production under paragraph (1) for the subject merchandise, the administering authority may disregard price or cost values without further investigation if the administering authority has determined that broadly available export subsidies existed or particular instances of subsidization occurred with respect to those price or cost values or if those price or cost values were subject to an antidumping order.''.

SEC. 506. REDUCTION IN BURDEN ON DEPARTMENT OF COMMERCE BY REDUCING THE NUMBER OF VOLUNTARY RESPONDENTS.

Section 782(a) of the Tariff Act of 1930 (19 U.S.C. 1677m(a)) is amended—

(1) in paragraph (1), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and by moving such clauses, as so redesignated, 2 ems to the right;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and by moving such subparagraphs, as so redesignated, 2 ems to the right;

(3) by striking ''INVESTIGATIONS AND REVIEWS.—In'' and inserting the following: ''INVESTIGATIONS AND REVIEWS.—

''(1) IN GENERAL.—In'';

(4) in paragraph (1), as designated by paragraph (3), by amending subparagraph (B), as redesignated by paragraph (2), to read as follows:

''(B) the number of exporters or producers subject to the investigation or review is not so large that any additional individual examination of such exporters or producers would be unduly burdensome to the administering authority and inhibit the timely completion of the investigation or review.''; and

(5) by adding at the end the following:

''(2) DETERMINATION OF UNDULY BURDENSOME.—In determining if an individual examination under paragraph (1)(B) would be unduly burdensome, the administering authority may consider the following:

''(A) The complexity of the issues or information presented in the proceeding, including questionnaires and any responses thereto.

''(B) Any prior experience of the administering authority in the same or similar proceeding.

''(C) The total number of investigations under subtitle A or B and reviews under section 751 being conducted by the administering authority as of the date of the determination.

''(D) Such other factors relating to the timely completion of each such investigation and review as the administering authority considers appropriate.''.

SEC. 507. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3438), the amendments made by this title shall apply with respect to goods from Canada and Mexico.

TITLE VI—ADDITIONAL ENFORCEMENT PROVISIONS

SEC. 601. TRADE ENFORCEMENT PRIORITIES.

(a) IN GENERAL.—Section 310 of the Trade Act of 1974 (19 U.S.C. 2420) is amended to read as follows:

''SEC. 310. TRADE ENFORCEMENT PRIORITIES.

''(a) TRADE ENFORCEMENT PRIORITIES, CONSULTATIONS, AND REPORT.—

''(1) TRADE ENFORCEMENT PRIORITIES CONSULTATIONS.—Not later than May 31 of each calendar year that begins after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the United States Trade Representative (in this section referred to as the 'Trade Representative') shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to the prioritization of acts, policies, or practices of foreign governments that raise concerns with respect to obligations under the WTO Agreements or any other trade agreement to which the United States is a party, or otherwise create or maintain barriers to United States goods, services, or investment.

''(2) IDENTIFICATION OF TRADE ENFORCEMENT PRIORITIES.—In identifying acts, policies, or practices of foreign governments as trade enforcement priorities under this subsection, the United States Trade Representative shall focus on those acts, policies, and practices the elimination of which is likely to have the most significant potential to increase United States economic growth, and take into account all relevant factors, including—

''(A) the economic significance of any potential inconsistency between an obligation assumed by a foreign government pursuant to a trade agreement to which both the foreign government and the United States are parties and the acts, policies, or practices of that government;

''(B) the impact of the acts, policies, or practices of a foreign government on maintaining and creating United States jobs and productive capacity;

''(C) the major barriers and trade distorting practices described in the most recent National Trade Estimate required under section 181(b);

''(D) the major barriers and trade distorting practices described in other relevant reports addressing international trade and investment barriers prepared by a Federal agency or congressional commission during the 12 months preceding the date of the most recent report under paragraph (3);

''(E) a foreign government's compliance with its obligations under any trade agreements to which both the foreign government and the United States are parties;

''(F) the implications of a foreign government's procurement plans and policies; and

''(G) the international competitive position and export potential of United States products and services.

''(3) REPORT ON TRADE ENFORCEMENT PRIORITIES AND ACTIONS TAKEN TO ADDRESS.—

''(A) IN GENERAL.—Not later than July 31 of each calendar year that begins after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the Trade Representative shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on acts, policies, or practices of foreign governments identified as trade enforcement priorities based on the consultations under paragraph (1) and the criteria set forth in paragraph (2).

''(B) REPORT IN SUBSEQUENT YEARS.—The Trade Representative shall include, when reporting under subparagraph (A) in any calendar year after the calendar year that begins after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, a description of actions taken to address any acts, policies, or practices of foreign governments identified as trade enforcement priorities under this subsection in the calendar year preceding that report and, as relevant, any year before that calendar year.

''(b) SEMI-ANNUAL ENFORCEMENT CONSULTATIONS.—

''(1) IN GENERAL.—At the same time as the reporting under subsection (a)(3), and not later than January 31 of each following year, the Trade Representative shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to the identification, prioritization, investigation, and resolution of acts, policies, or practices of foreign governments of concern with respect to obligations under the WTO Agreements or any other trade agreement to which the United States is a party, or that otherwise create or maintain trade barriers.

''(2) ACTS, POLICIES, OR PRACTICES OF CONCERN.—The semi-annual enforcement consultations required by paragraph (1) shall address acts, policies, or practices of foreign governments that raise concerns with respect to obligations under the WTO Agreements or any other trade agreement to which the United States is a party, or otherwise create or maintain trade barriers, including—

''(A) engagement with relevant trading partners;

''(B) strategies for addressing such concerns;

''(C) availability and deployment of resources to be used in the investigation or resolution of such concerns;

''(D) the merits of any potential dispute resolution proceeding under the WTO Agreements or any other trade agreement to which the United States is a party relating to such concerns; and

''(E) any other aspects of such concerns.

''(3) ACTIVE INVESTIGATIONS.—The semi-annual enforcement consultations required by paragraph (1) shall address acts, policies, or practices that the Trade Representative is actively investigating with respect to obligations under the WTO Agreements or any other trade agreement to which the United States is a party, including—

''(A) strategies for addressing concerns raised by such acts, policies, or practices;

''(B) any relevant timeline with respect to investigation of such acts, policies, or practices;

''(C) the merits of any potential dispute resolution proceeding under the WTO Agreements or any other trade agreement to which the United States is a party with respect to such acts, policies, or practices;

''(D) barriers to the advancement of the investigation of such acts, policies, or practices; and

''(E) any other matters relating to the investigation of such acts, policies, or practices.

''(4) ONGOING ENFORCEMENT ACTIONS.—The semi-annual enforcement consultations required by paragraph (1) shall address all ongoing enforcement actions taken by or against the United States with respect to obligations under the WTO Agreements or any other trade agreement to which the United States is a party, including—

''(A) any relevant timeline with respect to such actions;

''(B) the merits of such actions;

''(C) any prospective implementation actions;

''(D) potential implications for any law or regulation of the United States;

''(E) potential implications for United States stakeholders, domestic competitors, and exporters; and

''(F) other issues relating to such actions.

''(5) ENFORCEMENT RESOURCES.—The semi-annual enforcement consultations required by paragraph (1) shall address the availability and deployment of enforcement resources, resource constraints on monitoring and enforcement activities, and strategies to address those constraints, including the use of available resources of other Federal agencies to enhance monitoring and enforcement capabilities.

''(c) INVESTIGATION AND RESOLUTION.—In the case of any acts, policies, or practices of a foreign government identified as a trade enforcement priority under subsection (a), the Trade Representative shall, not later than the date of the first semi-annual enforcement consultations held under subsection (b) after the identification of the priority, take appropriate action to address that priority, including—

''(1) engagement with the foreign government to resolve concerns raised by such acts, policies, or practices;

''(2) initiation of an investigation under section 302(b)(1) with respect to such acts, policies, or practices;

''(3) initiation of negotiations for a bilateral agreement that provides for resolution of concerns raised by such acts, policies, or practices; or

''(4) initiation of dispute settlement proceedings under the WTO Agreements or any other trade agreement to which the United States is a party with respect to such acts, policies, or practices.

''(d) ENFORCEMENT NOTIFICATIONS AND CONSULTATION.—

''(1) INITIATION OF ENFORCEMENT ACTION.—The Trade Representative shall notify and consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives in advance of initiation of any formal trade dispute by or against the United States taken in regard to an obligation under the WTO Agreements or any other trade agreement to which the United States is a party. With respect to a formal trade dispute against the United States, if advance notification and consultation are not possible, the Trade Representative shall notify and consult at the earliest practicable opportunity after initiation of the dispute.

''(2) CIRCULATION OF REPORTS.—The Trade Representative shall notify and consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives in advance of the announced or anticipated circulation of any report of a dispute settlement panel or the Appellate Body of the World Trade Organization or of a dispute settlement panel under any other trade agreement to which the United States is a party with respect to a formal trade dispute by or against the United States.

''(e) DEFINITIONS.—In this section:

''(1) WTO.—The term 'WTO' means the World Trade Organization.

''(2) WTO AGREEMENT.—The term 'WTO Agreement' has the meaning given that term in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9)).

''(3) WTO AGREEMENTS.—The term 'WTO Agreements' means the WTO Agreement and agreements annexed to that Agreement.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by striking the item relating to section 310 and inserting the following:

''Sec. 310. Trade enforcement priorities.''.

SEC. 602. EXERCISE OF WTO AUTHORIZATION TO SUSPEND CONCESSIONS OR OTHER OBLIGATIONS UNDER TRADE AGREEMENTS.

(a) IN GENERAL.—Section 306 of the Trade Act of 1974 (19 U.S.C. 2416) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) EXERCISE OF WTO AUTHORIZATION TO SUSPEND CONCESSIONS OR OTHER OBLIGATIONS.—If—

''(1) action has terminated pursuant to section 307(c),

''(2) the petitioner or any representative of the domestic industry that would benefit from reinstatement of action has submitted to the Trade Representative a written request for reinstatement of action, and

''(3) the Trade Representatives has completed the requirements of subsection (d) and section 307(c)(3),

the Trade Representative may at any time determine to take action under section 301(c) to exercise an authorization to suspend concessions or other obligations under Article 22 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (referred to in section 101(d)(16) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(16))).''.

(b) CONFORMING AMENDMENTS.—Chapter 1 of title III of the Trade Act of 1974 (19 U.S.C. 2411 et seq.) is amended—

(1) in section 301(c)(1) (19 U.S.C. 2411(c)(1)), in the matter preceding subparagraph (A), by inserting ''or section 306(c)'' after ''subsection (a) or (b)'';

(2) in section 306(b) (19 U.S.C. 2416(b)), in the subsection heading, by striking ''FURTHER ACTION'' and inserting ''ACTION ON THE BASIS OF MONITORING'';

(3) in section 306(d) (19 U.S.C. 2416(d)), as redesignated by subsection (a)(1), by inserting ''or (c)'' after ''subsection (b)''; and

(4) in section 307(c)(3) (19 U.S.C. 2417(c)(3)), by inserting ''or if a request is submitted to the Trade Representative under section 306(c)(2) to reinstate action,'' after ''under section 301,''.

SEC. 603. TRADE MONITORING.

(a) IN GENERAL.—Chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.) is amended by adding at the end the following:

''SEC. 205. TRADE MONITORING.

''(a) MONITORING TOOL FOR IMPORTS.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the United States International Trade Commission shall make available on a website of the Commission an import monitoring tool to allow the public access to data on the volume and value of goods imported to the United States for the purpose of assessing whether such data has changed with respect to such goods over a period of time.

''(2) DATA DESCRIBED.—For purposes of the monitoring tool under paragraph (1), the Commission shall use data compiled by the Department of Commerce and such other government data as the Commission considers appropriate.

''(3) PERIODS OF TIME.—The Commission shall ensure that data accessed through the monitoring tool under paragraph (1) includes data for the most recent quarter for which such data are available and previous quarters as the Commission considers practicable.

''(b) MONITORING REPORTS.—

''(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this section, and not less frequently than quarterly thereafter, the Secretary of Commerce shall publish on a website of the Department of Commerce, and notify the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of the availability of, a monitoring report on changes in the volume and value of trade with respect to imports and exports of goods categorized based on the 6-digit subheading number of the goods under the Harmonized Tariff Schedule of the United States during the most recent quarter for which such data are available and previous quarters as the Secretary considers practicable.

''(2) REQUESTS FOR COMMENT.—Not later than one year after the date of the enactment of this section, the Secretary of Commerce shall solicit through the Federal Register public comment on the monitoring reports described in paragraph (1).

''(c) SUNSET.—The requirements under this section terminate on the date that is seven years after the date of the enactment of this section.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by inserting after the item relating to section 204 the following:

''Sec. 205. Trade monitoring.''.

TITLE VII—CURRENCY MANIPULATION

SEC. 701. ENHANCEMENT OF ENGAGEMENT ON CURRENCY EXCHANGE RATE AND ECONOMIC POLICIES WITH CERTAIN MAJOR TRADING PARTNERS OF THE UNITED STATES.

(a) MAJOR TRADING PARTNER REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than once every 180 days thereafter, the Secretary shall submit to the appropriate committees of Congress a report on the macroeconomic and currency exchange rate policies of each country that is a major trading partner of the United States.

(2) ELEMENTS.—

(A) IN GENERAL.—Each report submitted under paragraph (1) shall contain—

(i) for each country that is a major trading partner of the United States—

(I) that country's bilateral trade balance with the United States;

(II) that country's current account balance as a percentage of its gross domestic product;

(III) the change in that country's current account balance as a percentage of its gross domestic product during the 3-year period preceding the submission of the report;

(IV) that country's foreign exchange reserves as a percentage of its short-term debt; and

(V) that country's foreign exchange reserves as a percentage of its gross domestic product; and

(ii) an enhanced analysis of macroeconomic and exchange rate policies for each country that is a major trading partner of the United States that has—

(I) a significant bilateral trade surplus with the United States;

(II) a material current account surplus; and

(III) engaged in persistent one-sided intervention in the foreign exchange market.

(B) ENHANCED ANALYSIS.—Each enhanced analysis under subparagraph (A)(ii) shall include, for each country with respect to which an analysis is made under that subparagraph—

(i) a description of developments in the currency markets of that country, including, to the greatest extent feasible, developments with respect to currency interventions;

(ii) a description of trends in the real effective exchange rate of the currency of that country and in the degree of undervaluation of that currency;

(iii) an analysis of changes in the capital controls and trade restrictions of that country;

(iv) patterns in the reserve accumulation of that country; and

(v) an analysis of the macroeconomic policy mix of that country and its pattern of savings-investment imbalances.

(3) GUIDANCE.—The Secretary shall publicly issue guidance not later than 90 days after the date of enactment of the Act that describes the factors used to assess under paragraph (2)(A)(ii) whether a country has a significant bilateral trade surplus with the United States, has a material current account surplus, and has engaged in persistent one-sided intervention in the foreign exchange market.

(b) ENGAGEMENT ON EXCHANGE RATE AND ECONOMIC POLICIES.—

(1) IN GENERAL.—The President, through the Secretary, shall commence enhanced bilateral engagement with each country for which an enhanced analysis of macroeconomic and currency exchange rate policies is included in the report submitted under subsection (a), in order to, as appropriate—

(A) urge implementation of policies to address the causes of the undervaluation of its currency, its bilateral trade surplus with the United States, and its material current account surplus, including undervaluation and surpluses relating to exchange rate management;

(B) express the concern of the United States with respect to the adverse trade and economic effects of that undervaluation and those surpluses; and/or

(C) advise that country of the ability of the President to take action under subsection (c).

(2) WAIVER.—

(A) IN GENERAL.—The Secretary may waive the requirement under subsection (b)(1) to commence enhanced bilateral engagement with a country if the Secretary determines that commencing enhanced bilateral engagement with the country—

(i) would have an adverse impact on the United States economy greater than the benefits of such action; or

(ii) would cause serious harm to the national security of the United States.

(B) CERTIFICATION.—The Secretary shall promptly certify to Congress a determination under subparagraph (A).

(c) REMEDIAL ACTION.—

(1) IN GENERAL.—If, on or after the date that is one year after the commencement of enhanced bilateral engagement by the President, through the Secretary, with respect to a country under subsection (b)(1), the Secretary determines that the country has failed to adopt appropriate policies to correct the undervaluation and surpluses described in subsection (b)(1)(A) with respect to that country, the President shall take one or more of the following actions:

(A) Prohibit the Overseas Private Investment Corporation from approving any new financing (including any insurance, reinsurance, or guarantee) with respect to a project located in that country on and after such date.

(B) Except as provided in paragraph (2), and pursuant to paragraph (3), prohibit the

Federal Government from procuring, or entering into any contract for the procurement of, goods or services from that country on and after such date.

(C) Instruct the United States Executive Director of the International Monetary Fund to call for additional rigorous surveillance of the macroeconomic and exchange rate policies of that country and, as appropriate, formal consultations on findings of currency manipulation.

(D) Instruct the United States Trade Representative to take into account, in consultation with the Secretary, in assessing whether to enter into a bilateral or regional trade agreement with that country or to initiate or participate in negotiations with respect to a bilateral or regional trade agreement with that country, the extent to which that country has failed to adopt appropriate policies to correct the undervaluation and surpluses described in subsection (b)(1)(A).

(2) WAIVER.—

(A) IN GENERAL.—The President may waive the requirement under paragraph (1) to take remedial action if the President determines that taking remedial action under paragraph (1) would—

(i) have an adverse impact on the United States economy greater than the benefits of taking remedial action; or

(ii) would cause serious harm to the national security of the United States.

(B) CERTIFICATION.—The President shall promptly certify to Congress a determination under subparagraph (A).

(3) EXCEPTION.—The President may not apply a prohibition under paragraph (1)(B) in a manner that is inconsistent with United States obligations under international agreements.

(4) CONSULTATIONS.—

(A) OFFICE OF MANAGEMENT AND BUDGET.—Before applying a prohibition under paragraph (1)(B), the President shall consult with the Director of the Office of Management and Budget to determine whether such prohibition would subject the taxpayers of the United States to unreasonable cost.

(B) CONGRESS.—The President shall consult with the appropriate committees of Congress with respect to any action the President takes under paragraph (1)(B), including whether the President has consulted as required under subparagraph (A).

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate; and

(B) the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives.

(2) COUNTRY.—The term ''country'' means a foreign country, dependent territory, or possession of a foreign country, and may include an association of 2 or more foreign countries, dependent territories, or possessions of countries into a customs union outside the United States.

(3) REAL EFFECTIVE EXCHANGE RATE.—The term ''real effective exchange rate'' means a weighted average of bilateral exchange rates, expressed in price-adjusted terms.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

SEC. 702. ADVISORY COMMITTEE ON INTERNATIONAL EXCHANGE RATE POLICY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established an Advisory Committee on International Exchange Rate Policy (in this section referred to as the ''Committee'').

(2) DUTIES.—The Committee shall be responsible for advising the Secretary of the Treasury with respect to the impact of international exchange rates and financial policies on the economy of the United States.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of 9 members as follows, none of whom shall be employees of the Federal Government:

(A) Three members shall be appointed by the President pro tempore of the Senate, upon the recommendation of the chairmen and ranking members of the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance of the Senate.

(B) Three members shall be appointed by the Speaker of the House of Representatives upon the recommendation of the chairmen and ranking members of the Committee on Financial Services and the Committee on Ways and Means of the House of Representatives.

(C) Three members shall be appointed by the President.

(2) QUALIFICATIONS.—Members shall be selected under paragraph (1) on the basis of their objectivity and demonstrated expertise in finance, economics, or currency exchange.

(3) TERMS.—

(A) IN GENERAL.—Members shall be appointed for a term of 2 years or until the Committee terminates.

(B) REAPPOINTMENT.—A member may be reappointed to the Committee for additional terms.

(4) VACANCIES.—Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) DURATION OF COMMITTEE.—

(1) IN GENERAL.—The Committee shall terminate on the date that is 2 years after the date of the enactment of this Act unless renewed by the President for a subsequent 2-year period.

(2) CONTINUED RENEWAL.—The President may continue to renew the Committee for successive 2-year periods by taking appropriate action to renew the Committee prior to the date on which the Committee would otherwise terminate.

(d) MEETINGS.—The Committee shall hold not less than 2 meetings each calendar year.

(e) CHAIRPERSON.—

(1) IN GENERAL.—The Committee shall elect from among its members a chairperson for a term of 2 years or until the Committee terminates.

(2) REELECTION; SUBSEQUENT TERMS.—A chairperson of the Committee may be reelected chairperson but is ineligible to serve consecutive terms as chairperson.

(f) STAFF.—The Secretary of the Treasury shall make available to the Committee such staff, information, personnel, administrative services, and assistance as the Committee may reasonably require to carry out the activities of the Committee.

(g) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

(2) EXCEPTION.—Meetings of the Committee shall be exempt from the requirements of subsections (a) and (b) of section 10 and section 11 of the Federal Advisory Committee Act (relating to open meetings, public notice, public participation, and public availability of documents), whenever and to the extent it is determined by the President or the Secretary of the Treasury that such meetings will be concerned with matters the disclosure of which—

(A) would seriously compromise the development by the Government of the United States of monetary or financial policy; or

(B) is likely to—

(i) lead to significant financial speculation in currencies, securities, or commodities; or

(ii) significantly endanger the stability of any financial institution.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Treasury for each fiscal year in which the Committee is in effect $1,000,000 to carry out this section.

TITLE VIII—ESTABLISHMENT OF U.S. CUSTOMS AND BORDER PROTECTION

SEC. 801. SHORT TITLE.

This title may be cited as the ''U.S. Customs and Border Protection Authorization Act''.

SEC. 802. ESTABLISHMENT OF U.S. CUSTOMS AND BORDER PROTECTION.

(a) IN GENERAL.—Section 411 of the Homeland Security Act of 2002 (6 U.S.C. 211) is amended to read as follows:

''SEC. 411. ESTABLISHMENT OF U.S. CUSTOMS AND BORDER PROTECTION; COMMISSIONER, DEPUTY COMMISSIONER, AND OPERATIONAL OFFICES.

''(a) IN GENERAL.—There is established in the Department an agency to be known as U.S. Customs and Border Protection.

''(b) COMMISSIONER OF U.S. CUSTOMS AND BORDER PROTECTION.—There shall be at the head of U.S. Customs and Border Protection a Commissioner of U.S. Customs and Border Protection (in this section referred to as the 'Commissioner'), who shall be appointed by the President, by and with the advice and consent of the Senate.

''(c) DUTIES.—The Commissioner shall—

''(1) ensure the interdiction of persons and goods illegally entering or exiting the United States;

''(2) facilitate and expedite the flow of legitimate travelers and trade;

''(3) detect, respond to, and interdict terrorists, drug smugglers and traffickers, human smugglers and traffickers, and other persons who may undermine the security of the United States, in cases in which such persons are entering, or have recently entered, the United States;

''(4) safeguard the borders of the United States to protect against the entry of dangerous goods;

''(5) oversee the functions of the Office of Trade established under section 802(h) of the Trade Facilitation and Trade Enforcement Act of 2015;

''(6) enforce and administer all customs laws of the United States, including the Tariff Act of 1930;

''(7) enforce and administer all immigration laws, as such term is defined in paragraph (17) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), as necessary for the inspection, processing, and admission of persons who seek to enter or depart the United States, and as necessary to ensure the detection, interdiction, removal, departure from the United States, short-term detention, and transfer of persons unlawfully entering, or who have recently unlawfully entered, the United States, in coordination with U.S. Immigration and Customs Enforcement and United States Citizenship and Immigration Services;

''(8) develop and implement screening and targeting capabilities, including the screening, reviewing, identifying, and prioritizing of passengers and cargo across all international modes of transportation, both inbound and outbound;

''(9) in coordination with the Secretary, deploy technology to collect the data necessary for the Secretary to administer the biometric entry and exit data system pursuant to section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b);

''(10) enforce and administer the laws relating to agricultural import and entry inspection referred to in section 421;

''(11) in coordination with the Under Secretary for Management of the Department, ensure U.S. Customs and Border Protection complies with Federal law, the Federal Acquisition Regulation, and the Department's acquisition management directives for major acquisition programs of U.S. Customs and Border Protection;

''(12) enforce and administer—

''(A) the Container Security Initiative program under section 205 of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 945; Public Law 109–347); and

''(B) the Customs-Trade Partnership Against Terrorism program under sections 211 through 223 of such Act (6 U.S.C. 961-973);

''(13) conduct polygraph examinations in accordance with section 3(1) of the Anti-Border Corruption Act of 2010 (Public Law 111–376);

''(14) establish the standard operating procedures described in subsection (k);

''(15) carry out the training required under subsection (l); and

''(16) carry out other duties and powers prescribed by law or delegated by the Secretary.

''(d) DEPUTY COMMISSIONER.—There shall be in U.S. Customs and Border Protection a Deputy Commissioner who shall assist the Commissioner in the management of U.S. Customs and Border Protection.

''(e) U.S. BORDER PATROL.—

''(1) IN GENERAL.—There is established in U.S. Customs and Border Protection the U.S. Border Patrol.

''(2) CHIEF.—There shall be at the head of the U.S. Border Patrol a Chief, who shall report to the Commissioner.

''(3) DUTIES.—The U.S. Border Patrol shall—

''(A) serve as the law enforcement office of U.S. Customs and Border Protection with primary responsibility for interdicting persons attempting to illegally enter or exit the United States or goods being illegally imported into or exported from the United States at a place other than a designated port of entry;

''(B) deter and prevent illegal entry of terrorists, terrorist weapons, persons, and contraband; and

''(C) carry out other duties and powers prescribed by the Commissioner.

''(f) OFFICE OF AIR AND MARINE OPERATIONS.—

''(1) IN GENERAL.—There is established in U.S. Customs and Border Protection an Office of Air and Marine Operations.

''(2) ASSISTANT COMMISSIONER.—There shall be at the head of the Office of Air and Marine Operations an Assistant Commissioner, who shall report to the Commissioner.

''(3) DUTIES.—The Office of Air and Marine Operations shall—

''(A) serve as the law enforcement office within U.S. Customs and Border Protection with primary responsibility to detect, interdict, and prevent acts of terrorism and the unlawful movement of people, illicit drugs, and other contraband across the borders of the United States in the air and maritime environment;

''(B) conduct joint aviation and marine operations with U.S. Immigration and Customs Enforcement;

''(C) conduct aviation and marine operations with international, Federal, State, and local law enforcement agencies, as appropriate;

''(D) administer the Air and Marine Operations Center established under paragraph (4); and

''(E) carry out other duties and powers prescribed by the Commissioner.

''(4) AIR AND MARINE OPERATIONS CENTER.—

''(A) IN GENERAL.—There is established in the Office of Air and Marine Operations an Air and Marine Operations Center.

''(B) EXECUTIVE DIRECTOR.—There shall be at the head of the Air and Marine Operations Center an Executive Director, who shall report to the Assistant Commissioner of the Office of Air and Marine Operations.

''(C) DUTIES.—The Air and Marine Operations Center shall—

''(i) manage the air and maritime domain awareness of the Department;

''(ii) monitor and coordinate the airspace for Unmanned Aerial Systems operations of the Office of Air and Marine Operations in U.S. Customs and Border Protection;

''(iii) detect, identify, and coordinate a response to threats to national security in the air domain;

''(iv) provide aviation and marine support to other Federal, State, tribal, and local agencies; and

''(v) carry out other duties and powers prescribed by the Assistant Commissioner.

''(g) OFFICE OF FIELD OPERATIONS.—

''(1) IN GENERAL.—There is established in U.S. Customs and Border Protection an Office of Field Operations.

''(2) ASSISTANT COMMISSIONER.—There shall be at the head of the Office of Field Operations an Assistant Commissioner, who shall report to the Commissioner.

''(3) DUTIES.—The Office of Field Operations shall coordinate the enforcement activities of U.S. Customs and Border Protection at United States air, land, and sea ports of entry to—

''(A) deter and prevent terrorists and terrorist weapons from entering the United States at such ports of entry;

''(B) conduct inspections at such ports of entry to safeguard the United States from terrorism and illegal entry of persons;

''(C) prevent illicit drugs, agricultural pests, and contraband from entering the United States;

''(D) in coordination with the Commissioner, facilitate and expedite the flow of legitimate travelers and trade;

''(E) administer the National Targeting Center established under paragraph (4); and

''(F) carry out other duties and powers prescribed by the Commissioner.

''(4) NATIONAL TARGETING CENTER.—

''(A) IN GENERAL.—There is established in the Office of Field Operations a National Targeting Center.

''(B) EXECUTIVE DIRECTOR.—There shall be at the head of the National Targeting Center an Executive Director, who shall report to the Assistant Commissioner of the Office of Field Operations.

''(C) DUTIES.—The National Targeting Center shall—

''(i) serve as the primary forum for targeting operations within U.S. Customs and Border Protection to collect and analyze traveler and cargo information in advance of arrival in the United States;

''(ii) identify, review, and target travelers and cargo for examination;

''(iii) coordinate the examination of entry and exit of travelers and cargo;

''(iv) develop and conduct commercial risk assessment targeting with respect to cargo destined for the United States;

''(v) issue Trade Alerts pursuant to section 111 of the Trade Facilitation and Trade Enforcement Act of 2015; and

''(vi) carry out other duties and powers prescribed by the Assistant Commissioner.

''(5) ANNUAL REPORT ON STAFFING.—Not later than 30 days after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015 and annually thereafter, the Assistant Commissioner shall submit to the appropriate congressional committees a report on the staffing model for the Office of Field Operations, including information on how many supervisors, frontline U.S. Customs and Border Protection officers, and support personnel are assigned to each Field Office and port of entry.

''(h) OFFICE OF INTELLIGENCE.—

''(1) IN GENERAL.—There is established in U.S. Customs and Border Protection an Office of Intelligence.

''(2) ASSISTANT COMMISSIONER.—There shall be at the head of the Office of Intelligence an Assistant Commissioner, who shall report to the Commissioner.

''(3) DUTIES.—The Office of Intelligence shall—

''(A) develop, provide, coordinate, and implement intelligence capabilities into a cohesive intelligence enterprise to support the execution of the duties and responsibilities of U.S. Customs and Border Protection;

''(B) collect and analyze advance traveler and cargo information;

''(C) establish, in coordination with the Chief Intelligence Officer of the Department, as appropriate, intelligence-sharing relationships with Federal, State, local, and tribal agencies and intelligence agencies;

''(D) conduct risk-based covert testing of U.S. Customs and Border Protection operations, including for nuclear and radiological risks; and

''(E) carry out other duties and powers prescribed by the Commissioner.

''(i) OFFICE OF INTERNATIONAL AFFAIRS.—

''(1) IN GENERAL.—There is established in U.S. Customs and Border Protection an Office of International Affairs.

''(2) ASSISTANT COMMISSIONER.—There shall be at the head of the Office of International Affairs an Assistant Commissioner, who shall report to the Commissioner.

''(3) DUTIES.—The Office of International Affairs, in collaboration with the Office of Policy of the Department, shall—

''(A) coordinate and support U.S. Customs and Border Protection's foreign initiatives, policies, programs, and activities;

''(B) coordinate and support U.S. Customs and Border Protection's personnel stationed abroad;

''(C) maintain partnerships and information sharing agreements and arrangements with foreign governments, international organizations, and United States agencies in support of U.S. Customs and Border Protection duties and responsibilities;

''(D) provide necessary capacity building, training, and assistance to foreign border control agencies to strengthen global supply chain and travel security, as appropriate;

''(E) coordinate mission support services to sustain U.S. Customs and Border Protection's global activities;

''(F) coordinate U.S. Customs and Border Protection's engagement in international negotiations; and

''(G) carry out other duties and powers prescribed by the Commissioner.

''(j) OFFICE OF INTERNAL AFFAIRS.—

''(1) IN GENERAL.—There is established in U.S. Customs and Border Protection an Office of Internal Affairs.

''(2) ASSISTANT COMMISSIONER.—There shall be at the head of the Office of Internal Affairs an Assistant Commissioner, who shall report to the Commissioner.

''(3) DUTIES.—The Office of Internal Affairs shall—

''(A) investigate criminal and administrative matters and misconduct by officers, agents, and other employees of U.S. Customs and Border Protection;

''(B) perform investigations of applicants for employment with U.S. Customs and Border Protection and periodic reinvestigations (in accordance with section 3001 of the Intelligence Reform and Terrorism Prevention

Act of 2004 (50 U.S.C. 3341; Public Law 108–458)) of officers, agents, and other employees of United States Custom and Border Protection, including investigations to determine suitability for employment and eligibility for access to classified information;

''(C) manage integrity of U.S. Customs and Border Protection's counter-intelligence operations, including conduct of counter-intelligence investigations;

''(D) conduct research and analysis regarding misconduct of officers, agents, and other employees of U.S. Customs and Border Protection; and

''(E) carry out other duties and powers prescribed by the Commissioner.

''(k) STANDARD OPERATING PROCEDURES.—

''(1) IN GENERAL.—The Commissioner shall establish—

''(A) standard operating procedures for searching, reviewing, retaining, and sharing information contained in communication, electronic, or digital devices encountered by U.S. Customs and Border Protection personnel at United States ports of entry;

''(B) standard use of force procedures that officers and agents of U.S. Customs and Border Protection may employ in the execution of their duties, including the use of deadly force;

''(C) a uniform, standardized, and publically-available procedure for processing and investigating complaints against officers, agents, and employees of U.S. Customs and Border Protection for violations of professional conduct, including the timely disposition of complaints and a written notification to the complainant of the status or outcome, as appropriate, of the related investigation, in accordance with section 552a of title 5, United States Code (commonly referred to as the 'Privacy Act' or the 'Privacy Act of 1974');

''(D) an internal, uniform reporting mechanism regarding incidents involving the use of deadly force by an officer or agent of U.S. Customs and Border Protection, including an evaluation of the degree to which the procedures required under subparagraph (B) were followed; and

''(E) standard operating procedures, acting through the Assistant Commissioner for Air and Marine Operations and in coordination with the Office for Civil Rights and Civil Liberties and the Office of Privacy of the Department, to provide command, control, communication, surveillance, and reconnaissance assistance through the use of unmanned aerial systems, including the establishment of—

''(i) a process for other Federal, State, and local law enforcement agencies to submit mission requests;

''(ii) a formal procedure to determine whether to approve or deny such a mission request;

''(iii) a formal procedure to determine how such mission requests are prioritized and coordinated; and

''(iv) a process regarding the protection and privacy of data and images collected by U.S. Customs and Border Protection through the use of unmanned aerial systems.

''(2) REQUIREMENTS REGARDING CERTAIN NOTIFICATIONS.—The standard operating procedures established pursuant to subparagraph (A) of paragraph (1) shall require—

''(A) in the case of a search of information conducted on an electronic device by U.S. Customs and Border Protection personnel, the Commissioner to notify the individual subject to such search of the purpose and authority for such search, and how such individual may obtain information on reporting concerns about such search; and

''(B) in the case of information collected by U.S. Customs and Border Protection through a search of an electronic device, if such information is transmitted to another Federal agency for subject matter assistance, translation, or decryption, the Commissioner to notify the individual subject to such search of such transmission.

''(3) EXCEPTIONS.—

''(A) IN GENERAL.—The Commissioner may withhold the notifications required under paragraphs (1)(C) and (2) if the Commissioner determines that such notifications would impair national security, law enforcement, or other operational interests.

''(B) TERRORIST WATCH LISTS.—

''(i) SEARCHES.—If the individual subject to search of an electronic device pursuant to subparagraph (A) of paragraph (1) is included on a Government-operated or Government-maintained terrorist watch list, the notifications required under paragraph (2) shall not apply.

''(ii) COMPLAINTS.—If the complainant using the process established under subparagraph (C) of paragraph (1) is included on a Government-operated or Government-maintained terrorist watch list, the notification required under such subparagraph shall not apply.

''(4) UPDATE AND REVIEW.—The Commissioner shall review and update every three years the standard operating procedures required under this subsection.

''(5) AUDITS.—The Inspector General of the Department of Homeland Security shall develop and annually administer an auditing mechanism to review whether searches of electronic devices at or between United States ports of entry are being conducted in conformity with the standard operating procedures required under subparagraph (A) of paragraph (1). Such audits shall be submitted to the appropriate congressional committees and shall include the following:

''(A) A description of the activities of officers and agents of U.S. Customs and Border Protection with respect to such searches.

''(B) The number of such searches.

''(C) The number of instances in which information contained in such devices that were subjected to such searches was retained, copied, shared, or entered in an electronic database.

''(D) The number of such devices detained as the result of such searches.

''(E) The number of instances in which information collected from such device was subjected to such searches was transmitted to another Federal agency, including whether such transmission resulted in a prosecution or conviction.

''(6) REQUIREMENTS REGARDING OTHER NOTIFICATIONS.—The standard operating procedures established pursuant to subparagraph (B) of paragraph (1) shall require—

''(A) in the case of an incident of the use of deadly force by U.S. Customs and Border Protection personnel, the Commissioner to notify the appropriate congressional committees; and

''(B) the Commissioner to provide to such committees a copy of the evaluation pursuant to subparagraph (D) of such paragraph not later than 30 days after completion of such evaluation.

''(7) REPORT ON UNMANNED AERIAL SYSTEMS.—The Commissioner shall submit to the appropriate congressional committees an annual report that reviews whether the use of unmanned aerial systems are being conducted in conformity with the standard operating procedures required under subparagraph (E) of paragraph (1). Such reports—

''(A) shall be submitted with the President's annual budget;

''(B) may be submitted in classified form if the Commissioner determines that such is appropriate, and

''(C) shall include—

''(i) a detailed description of how, where, and for how long data and images collected through the use of unmanned aerial systems by U.S. Customs and Border Protection is collected and stored; and

''(ii) a list of Federal, State, and local law enforcement agencies that submitted mission requests in the previous year and the disposition of such requests.

''(l) TRAINING.—The Commissioner shall require all officers and agents of U.S. Customs and Border Protection to participate in a specified amount of continuing education (to be determined by the Commissioner) to maintain an understanding of Federal legal rulings, court decisions, and departmental policies, procedures, and guidelines.

''(m) SHORT TERM DETENTION STANDARDS.—

''(1) ACCESS TO FOOD AND WATER.—The Commissioner shall make every effort to ensure that adequate access to food and water is provided to an individual apprehended and detained at or between a United States port of entry as soon as practicable following the time of such apprehension or during subsequent short term detention.

''(2) ACCESS TO INFORMATION ON DETAINEE RIGHTS AT BORDER PATROL PROCESSING CENTERS.—

''(A) IN GENERAL.—The Commissioner shall ensure that an individual apprehended by a U.S. Border Patrol agent or an Office of Field Operations officer is provided with information concerning such individual's rights, including the right to contact a representative of such individual's government for purposes of United States treaty obligations.

''(B) FORM.—The information referred to in subparagraph (A) may be provided either verbally or in writing, and shall be posted in the detention holding cell in which such individual is being held. The information shall be provided in a language understandable to such individual.

''(3) SHORT TERM DETENTION DEFINED.—In this subsection, the term 'short term detention' means detention in a U.S. Customs and Border Protection processing center for 72 hours or less, before repatriation to a country of nationality or last habitual residence.

''(4) DAYTIME REPATRIATION.—When practicable, repatriations shall be limited to daylight hours and avoid locations that are determined to have high indices of crime and violence.

''(5) REPORT ON PROCUREMENT PROCESS AND STANDARDS.—Not later than 180 days after the date of the enactment of this section, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the procurement process and standards of entities with which U.S. Customs and Border Protection has contracts for the transportation and detention of individuals apprehended by agents or officers of U.S. Customs and Border Protection. Such report should also consider the operational efficiency of contracting the transportation and detention of such individuals.

''(6) REPORT ON INSPECTIONS OF SHORT-TERM CUSTODY FACILITIES.—The Commissioner shall—

''(A) annually inspect all facilities utilized for short term detention; and

''(B) make publically available information collected pursuant to such inspections, including information regarding the requirements under paragraphs (1) and (2) and, where appropriate, issue recommendations to improve the conditions of such facilities.

''(n) WAIT TIMES TRANSPARENCY.—

''(1) IN GENERAL.—The Commissioner shall—

''(A) publish live wait times at the 20 United States airports that support the highest volume of international travel (as determined by available Federal flight data);

''(B) make information about such wait times available to the public in real time through the U.S. Customs and Border Protection Web site;

''(C) submit to the appropriate congressional committees quarterly reports that include compilations of all such wait times and a ranking of such United States airports by wait times; and

''(D) provide adequate staffing at the U.S. Customs and Border Protection information center to ensure timely access for travelers attempting to submit comments or speak with a representative about their entry experiences.

''(2) CALCULATION.—The wait times referred to in paragraph (1)(A) shall be determined by calculating the time elapsed between an individual's entry into the U.S. Customs and Border Protection inspection area and such individual's clearance by a U.S. Customs and Border Protection officer.

''(o) OTHER AUTHORITIES.—

''(1) IN GENERAL.—The Secretary may establish such other offices or Assistant Commissioners (or other similar officers or officials) as the Secretary determines necessary to carry out the missions, duties, functions, and authorities of U.S. Customs and Border Protection.

''(2) NOTIFICATION.—If the Secretary exercises the authority provided pursuant to paragraph (1), the Secretary shall notify the appropriate congressional committees not later than 30 days before exercising such authority.

''(p) OTHER FEDERAL AGENCIES.—Nothing in this section may be construed as affecting in any manner the authority, existing on the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, of any other Federal agency, including the Transportation Security Administration, with respect to the duties of U.S. Customs and Border Protection described in subsection (c).''.

(b) SPECIAL RULES.—

(1) TREATMENT.—Section 411 of the Homeland Security Act of 2002, as amended by subsection (a) of this section, shall be treated as if included in such Act as of the date of the enactment of such Act, and, in addition to the functions, missions, duties, and authorities specified in such amended section 411, U.S. Customs and Border Protection shall continue to perform and carry out the functions, missions, duties, and authorities under section 411 of such Act as in existence on the day before such date of enactment, and section 415 of such Act.

(2) RULES OF CONSTRUCTION.—

(A) RULES AND REGULATIONS.—Notwithstanding paragraph (1), nothing in this title or any amendment made by this title may be construed as affecting in any manner any rule or regulation issued or promulgated pursuant to any provision of law, including section 411 of the Homeland Security Act of 2002 as in existence on the day before the date of the enactment of this Act, and any such rule or regulation shall continue to have full force and effect on and after such date.

(B) OTHER ACTIONS.—Notwithstanding paragraph (1), nothing in this Act may be construed as affecting in any manner any action, determination, policy, or decision pursuant to section 411 of the Homeland Security Act of 2002 as in existence on the day before the date of the enactment of this Act, and any such action, determination, policy, or decision shall continue to have full force and effect on and after such date.

(c) CONTINUATION IN OFFICE.—

(1) COMMISSIONER.—The individual serving as the Commissioner of Customs on the day before the date of the enactment of this Act may serve as the Commissioner of U.S. Customs and Border Protection on and after such date of enactment until a Commissioner of U.S. Customs and Border Protection is appointed under section 411 of the Homeland Security Act of 2002, as amended by subsection (a) of this section.

(2) OTHER POSITIONS.—The individuals serving as Assistant Commissioners and other officers and officials under section 411 of the Homeland Security Act of 2002 on the day before the date of the enactment of this Act may serve as the appropriate Assistant Commissioners and other officers and officials under such section 411 as amended by subsection (a) of this section unless the Commissioner of U.S. Customs and Border Protection determines that another individual should hold such position or positions.

(d) REFERENCE.—

(1) TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking ''Commissioner of Customs, Department of Homeland Security'' and inserting ''Commissioner of U.S. Customs and Border Protection, Department of Homeland Security''.

(2) OTHER REFERENCES.—On and after the date of the enactment of this Act, any reference in law or regulations to the ''Commissioner of Customs'' or the ''Commissioner of the Customs Service'' shall be deemed to be a reference to the Commissioner of U.S. Customs and Border Protection.

(e) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by striking the item relating to section 411 and inserting the following new item:

''Sec. 411. Establishment of U.S. Customs and Border Protection; Commissioner, Deputy Commissioner, and operational offices.''.

(f) REPEALS.—Sections 416 and 418 of the Homeland Security Act of 2002 (6 U.S.C. 216 and 218), and the items relating to such sections in the table of contents in section 1(b) of such Act, are repealed.

(g) CLERICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) in title I—

(i) in section 102(f)(10) (6 U.S.C. 112(f)(10)), by striking ''the Directorate of Border and Transportation Security'' and inserting ''the Commissioner of U.S. Customs and Border Protection''; and

(ii) in section 103(a)(1) (6 U.S.C. 113(a)(1))—

(I) in subparagraph (C), by striking ''An Under Secretary for Border and Transportation Security.'' and inserting ''A Commissioner of U.S. Customs and Border Protection.''; and

(II) in subparagraph (G), by striking ''A Director of the Office of Counternarcotics Enforcement.'' and inserting ''A Director of U.S. Immigration and Customs Enforcement.''; and

(B) in title IV—

(i) by striking the title heading and inserting ''**BORDER, MARITIME, AND TRANSPORTATION SECURITY**'';

(ii) in subtitle A—

(I) by striking the subtitle heading and inserting ''**Border, Maritime, and Transportation Security Responsibilities and Functions**''; and

(II) in section 402 (6 U.S.C. 202)—

(aa) in the section heading, by striking ''**RESPONSIBILITIES**'' and inserting ''**BORDER, MARITIME, AND TRANSPORTATION RESPONSIBILITIES**''; and

(bb) by striking '', acting through the Under Secretary for Border and Transportation Security,'';

(iii) in subtitle B—

(I) by striking the subtitle heading and inserting ''**U.S. Customs and Border Protection**'';

(II) in section 412(b) (6 U.S.C. 212), by striking ''the United States Customs Service'' each place it appears and inserting ''U.S. Customs and Border Protection'';

(III) in section 413 (6 U.S.C. 213), by striking ''available to the United States Customs Service or'';

(IV) in section 414 (6 U.S.C. 214), by striking ''the United States Customs Service'' and inserting ''U.S. Customs and Border Protection''; and

(V) in section 415 (6 U.S.C. 215)—

(aa) in paragraph (7), by inserting before the colon the following: '', and of U.S. Customs and Border Protection on the day before the effective date of the U.S. Customs and Border Protection Authorization Act''; and

(bb) in paragraph (8), by inserting before the colon the following: '', and of U.S. Customs and Border Protection on the day before the effective date of the U.S. Customs and Border Protection Authorization Act'';

(iv) in subtitle C—

(I) by striking section 424 (6 U.S.C. 234) and inserting the following new section:

''SEC. 424. PRESERVATION OF TRANSPORTATION SECURITY ADMINISTRATION AS A DISTINCT ENTITY.

''Notwithstanding any other provision of this Act, the Transportation Security Administration shall be maintained as a distinct entity within the Department.''; and

(II) in section 430 (6 U.S.C. 238)—

(aa) by amending subsection (a) to read as follows:

''(a) ESTABLISHMENT.—There is established in the Department an Office for Domestic Preparedness.'';

(bb) in subsection (b), by striking the second sentence; and

(cc) in subsection (c)(7), by striking ''Directorate'' and inserting ''Department''; and

(v) in subtitle D—

(I) in section 441 (6 U.S.C. 251)—

(aa) by striking the section heading and inserting ''**TRANSFER OF FUNCTIONS**''; and

(bb) by striking ''Under Secretary for Border and Transportation Security'' and inserting ''Secretary'';

(II) in section 443 (6 U.S.C. 253)—

(aa) in the matter preceding paragraph (1), by striking ''Under Secretary for Border and Transportation Security'' and inserting ''Secretary''; and

(bb) by striking ''the Bureau of Border Security'' and inserting ''U.S. Immigration and Customs Enforcement'' each place it appears; and

(III) by amending section 444 (6 U.S.C. 254) to read as follows:

''SEC. 444. EMPLOYEE DISCIPLINE.

''Notwithstanding any other provision of law, the Secretary may impose disciplinary action on any employee of U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection who willfully deceives Congress or agency leadership on any matter.''.

(2) CONFORMING AMENDMENTS.—Section 401 of the Homeland Security Act of 2002 (6 U.S.C. 201) is repealed.

(3) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended—

(A) by striking the item relating to title IV and inserting the following:

"TITLE IV—BORDER, MARITIME, AND TRANSPORTATION SECURITY";

(B) by striking the item relating to subtitle A of title IV and inserting the following:

''Subtitle A—Border, Maritime, and Transportation Security Responsibilities and Functions'';

(C) by striking the item relating to section 401;

(D) by striking the item relating to subtitle B of title IV and inserting the following:

''Subtitle B—U.S. Customs and Border Protection'';

(E) by striking the item relating to section 441 and inserting the following:

''Sec. 441. Transfer of functions.'';

and

(F) by striking the item relating to section 442 and inserting the following:

''Sec. 442. U.S. Immigration and Customs Enforcement.''.

(h) OFFICE OF TRADE.—

(1) TRADE OFFICES AND FUNCTIONS.—The Act of March 3, 1927 (44 Stat. 1381, chapter 348; 19 U.S.C. 2071 et seq.), is amended by adding at the end the following:

"SEC. 4. OFFICE OF TRADE.

''(a) IN GENERAL.—There is established in U.S. Customs and Border Protection an Office of Trade.

''(b) ASSISTANT COMMISSIONER.—

''(1) IN GENERAL.—There shall be at the head of the Office of Trade an Assistant Commissioner, who shall report to the Commissioner of U.S. Customs and Border Protection.

''(2) QUALIFICATIONS.—The Assistant Commissioner shall have a minimum of 10 years of professional experience with the customs and trade laws of the United States.

''(3) SENIOR EXECUTIVE SERVICE POSITION.—The position of Assistant Commissioner for Trade shall be a Senior Executive Service position (as defined in section 3132(a) of title 5, United States Code).

''(c) DUTIES.—The Office of Trade shall—

''(1) direct the development and implementation, pursuant to the customs and trade laws of the United States, of policies and regulations administered by U.S. Customs and Border Protection;

''(2) advise the Commissioner with respect to the impact on trade facilitation and trade enforcement of any policy or regulation otherwise proposed or administered by U.S. Customs and Border Protection;

''(3) coordinate and cooperate with the Assistant Commissioner for the Office of Field Operations with respect to the trade facilitation and trade enforcement activities of U.S. Customs and Border Protection carried out at the land borders and ports of entry of the United States;

''(4) direct the development and implementation of matters relating to the priority trade issues identified by the Commissioner of U.S. Customs and Border Protection in the joint strategic plan on trade facilitation and trade enforcement required under section 123A of the Customs and Trade Act of 1990;

''(5) otherwise advise the Commissioner of U.S. Customs and Border Protection with respect to the development and implementation of the joint strategic plan;

''(6) direct the trade enforcement activities of U.S. Customs and Border Protection;

''(7) oversee the trade modernization activities of U.S. Customs and Border Protection, including the development and implementation of the Automated Commercial Environment computer system authorized under section 13031(f)(5) of the Consolidated Omnibus Budget and Reconciliation Act of 1985 (19 U.S.C. 58c(f)(5)) and support for the establishment of the International Trade Data System under the oversight of the Department of Treasury pursuant to section 411(d) of the Tariff Act of 1930 (19 U.S.C. 1411(d));

''(8) direct the administration of customs revenue functions as otherwise provided by law or delegated by the Commissioner of U.S. Customs and Border Protection; and

''(9) prepare an annual report to be submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not later than March 1 of each calendar year that includes—

''(A) a summary of the changes to customs policies and regulations adopted by U.S. Customs and Border Protection during the preceding calendar year; and

''(B) a description of the public vetting and interagency consultation that occurred with respect to each such change.

''(d) TRANSFER OF ASSETS, FUNCTIONS, AND PERSONNEL; ELIMINATION OF OFFICES.—

''(1) OFFICE OF INTERNATIONAL TRADE.—

''(A) TRANSFER.—Not later than 30 days after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the Commissioner shall transfer the assets, functions, personnel, and liabilities of the Office of International Trade to the Office of Trade established under subsection (b).

''(B) ELIMINATION.—Not later than 30 days after the date of enactment of the Trade Facilitation and Trade Enforcement Act of 2015, the Office of International Trade shall be abolished.

''(C) LIMITATION ON FUNDS.—No funds appropriated to U.S. Customs and Border Protection or the Department of Homeland Security may be used to transfer the assets, functions, personnel, and liabilities of the Office of International Trade to an office other than the Office of Trade established under subsection (a).

''(D) OFFICE OF INTERNATIONAL TRADE DEFINED.—In this paragraph, the term 'Office of International Trade' means the Office of International Trade established by section 2 of the Act of March 3, 1927 (44. Stat. 1381, chapter 348; 19 U.S.C. 2072), as added by section 402 of the Security and Accountability for Every Port Act of 2006 (Public Law 109–347; 120 Stat. 1924), and as in effect on the day before the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015.

''(2) OTHER TRANSFERS.—

''(A) IN GENERAL.—The Commissioner is authorized to transfer any other assets, functions, or personnel within U.S. Customs and Border Protection to the Office of Trade established under subsection (d).

''(B) CONGRESSIONAL NOTIFICATION.—Not less than 90 days prior to the transfer of assets, functions, or personnel under subparagraph (A)(i), the Commissioner shall notify the Committee on Finance of the Senate, the Committee on Homeland Security and Government Affairs of the Senate, the Committee on Ways and Means of the House of Representatives, and the Committee on Homeland Security of the House of Representatives of the specific assets, functions, or personnel to be transferred, and the reason for the transfer.

''(e) DEFINITIONS.—In this section, the terms 'customs and trade laws of the United States', 'trade enforcement', and 'trade facilitation' have the meanings given such terms in section 2 of the Trade Facilitation and Trade Enforcement Act of 2015.''.

(2) CONTINUATION IN OFFICE.—The individual serving as the Assistant Commissioner of the Office of International Trade on the day before the date of the enactment of this Act may serve as the Assistant Commissioner for Trade on or after such date of enactment, at the discretion of the Commissioner.

(3) CONFORMING AMENDMENTS.—Section 2 of the Act of March 3, 1927 (44. Stat. 1381, chapter 348; 19 U.S.C. 2072), as added by section 402 of the Security and Accountability for Every Port Act of 2006 (Public Law 109–347; 120 Stat. 1924), is amended—

(A) by striking subsection (d); and

(B) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(i) REPORTS AND ASSESSMENTS.—

(1) REPORT ON BUSINESS TRANSFORMATION INITIATIVE.—Not later than 90 days after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate a report on U.S. Customs and Border Protection's Business Transformation Initiative, including locations where the Initiative is deployed, the types of equipment utilized, a description of protocols and procedures, information on wait times at such locations since deployment, and information regarding the schedule for deployment at new locations.

(2) PORT OF ENTRY INFRASTRUCTURE NEEDS ASSESSMENTS.—Not later 180 days after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall assess the physical infrastructure and technology needs at the 20 busiest land ports of entry (as measured by U.S. Customs and Border Protection) with a particular attention to identify ways to—

(A) improve travel and trade facilitation;

(B) reduce wait times;

(C) improve physical infrastructure and conditions for individuals accessing pedestrian ports of entry;

(D) enter into long-term leases with nongovernmental and private sector entities;

(E) enter into lease-purchase agreements with nongovernmental and private sector entities; and

(F) achieve cost savings through leases described in subparagraphs (D) and (E).

(3) PERSONAL SEARCHES.—Not later than 90 days after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on supervisor-approved personal searches conducted in the previous year by U.S. Customs and Border Protection personnel. Such report shall include the number of personal searches conducted in each sector and field office, the number of invasive personal searches conducted in each sector and field office, whether personal searches were conducted by Office of Field Operations or U.S. Border Patrol personnel, and how many personal searches resulted in the discovery of contraband.

(j) TRUSTED TRAVELER PROGRAMS.—The Secretary of Homeland Security may not enter into or renew an agreement with the government of a foreign country for a trusted traveler program administered by U.S. Customs and Border Protection unless the Secretary certifies in writing that such government—

(1) routinely submits to INTERPOL for inclusion in INTERPOL's Stolen and Lost Travel Documents database information about lost and stolen passports and travel documents of the citizens and nationals of such country; or

(2) makes available to the United States Government the information described in paragraph (1) through another means of reporting.

(k) SENSE OF CONGRESS REGARDING THE FOREIGN LANGUAGE AWARD PROGRAM.—

(1) FINDINGS.—Congress finds the following:

(A) Congress established the Foreign Language Award Program (FLAP) to incentivize employees at United States ports of entry to utilize their foreign language skills on the job by providing a financial incentive for the use of the foreign language for at least ten percent of their duties after passage of competency tests. FLAP incentivizes the use of more than two dozen languages and has been instrumental in identifying and utilizing U.S. Customs and Border Protection officers and agents who are proficient in a foreign language.

(B) In 1993, Congress provided for dedicated funding for this program by stipulating that certain fees collected by U.S. Customs and Border Protection be used to fund FLAP.

(C) Through FLAP, foreign travelers are aided by having an officer at a port of entry who speaks their language, and U.S. Customs and Border Protection benefits by being able to focus its border security efforts in a more effective manner.

(2) SENSE OF CONGRESS.—It is the sense of Congress that FLAP incentivizes U.S. Customs and Border Protection officers to attain and maintain competency in a foreign language, thereby improving the efficiency of operations for the functioning of U.S. Customs and Border Protection's security mission, making the United States a more welcoming place when foreign travelers find officers can communicate in their language, and helping to expedite traveler processing to reduce wait times.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. DE MINIMIS VALUE.

(a) DE MINIMIS VALUE.—Section 321(a)(2)(C) of the Tariff Act of 1930 (19 U.S.C. 1321(a)(2)(C)) is amended by striking ''$200'' and inserting ''$800''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 902. CONSULTATION ON TRADE AND CUSTOMS REVENUE FUNCTIONS.

Section 401(c) of the Safety and Accountability for Every Port Act (6 U.S.C. 115(c)) is amended—

(1) in paragraph (1), by striking ''on Department policies and actions that have'' and inserting ''not later than 30 days after proposing, and not later than 30 days before finalizing, any Department policies, initiatives, or actions that will have''; and

(2) in paragraph (2)(A), by striking ''not later than 30 days prior to the finalization of'' and inserting ''not later than 60 days before proposing, and not later than 60 days before finalizing,''.

SEC. 903. PENALTIES FOR CUSTOMS BROKERS.

(a) IN GENERAL.—Section 641(d)(1) of the Tariff Act of 1930 (19 U.S.C. 1641(d)(1)) is amended—

(1) in subparagraph (E), by striking ''; or'' and inserting a semicolon;

(2) in subparagraph (F), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(G) has been convicted of committing or conspiring to commit an act of terrorism described in section 2332b of title 18, United States Code.''.

(b) TECHNICAL AMENDMENTS.—Section 641 of the Tariff Act of 1930 (19 U.S.C. 1641) is amended—

(1) by striking ''the Customs Service'' each place it appears and inserting ''U.S. Customs and Border Protection'';

(2) in subsection (d)(2)(B), by striking ''The Customs Service'' and inserting ''U.S. Customs and Border Protection''; and

(3) in subsection (g)(2)(B), by striking ''Secretary's notice'' and inserting ''notice under subparagraph (A)''.

SEC. 904. AMENDMENTS TO CHAPTER 98 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.

(a) ARTICLES EXPORTED AND RETURNED, ADVANCED OR IMPROVED ABROAD.—

(1) IN GENERAL.—U.S. Note 3 to subchapter II of chapter 98 of the Harmonized Tariff Schedule of the United States is amended by adding at the end the following:

''	9801.00.11	United States Government property, returned to the United States without having been advanced in value or improved in condition by any means while abroad, entered by the United States Government or a contractor to the United States Government, and certified by the importer as United States Government property	Free				''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) applies to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 60 days after the date of the enactment of this Act.

SEC. 905. EXEMPTION FROM DUTY OF RESIDUE OF BULK CARGO CONTAINED IN INSTRUMENTS OF INTERNATIONAL TRAFFIC PREVIOUSLY EXPORTED FROM THE UNITED STATES.

(a) IN GENERAL.—General Note 3(e) of the Harmonized Tariff Schedule of the United States is amended—

(1) in subparagraph (v), by striking ''and'' at the end;

(2) in subparagraph (vi), by adding ''and'' at the end;

(3) by inserting after subparagraph (vi) (as so amended) the following new subparagraph:

''(vii) residue of bulk cargo contained in instruments of international traffic previously exported from the United States,''; and

(4) by adding at the end of the flush text following subparagraph (vii) (as so added) the following: ''For purposes of subparagraph (vii) of this paragraph: The term 'residue' means material of bulk cargo that remains in an instrument of international traffic after the bulk cargo is removed, with a quantity, by weight or volume, not exceeding 7 percent of the bulk cargo, and with no or de minimis value. The term 'bulk cargo' means cargo that is unpackaged and is in either solid, liquid, or gaseous form. The term 'instruments of international traffic' means containers or holders, capable of and suitable for repeated use, such as lift vans, cargo vans, shipping tanks, skids, pallets, caul boards, and cores for textile fabrics, arriving (whether loaded or empty) in use or to be used in the shipment of merchandise in international traffic, and any additional articles or classes of articles that the Commissioner of U.S. Customs and Border Protection designates as instruments of international traffic.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of the enactment of this Act and apply with respect to residue of bulk cargo contained in instruments of international traffic that are imported into the customs territory of the United States on or after such date of enactment and that previously have been exported from the United States.

''(f)(1) For purposes of subheadings 9802.00.40 and 9802.00.50, fungible articles exported from the United States for the purposes described in such subheadings—

''(A) may be commingled; and

''(B) the origin, value, and classification of such articles may be accounted for using an inventory management method.

''(2) If a person chooses to use an inventory management method under this paragraph with respect to fungible articles, the person shall use the same inventory management method for any other articles with respect to which the person claims fungibility under this paragraph.

''(3) For the purposes of this paragraph—

''(A) the term 'fungible articles' means merchandise or articles that, for commercial purposes, are identical or interchangeable in all situations; and

''(B) the term 'inventory management method' means any method for managing inventory that is based on generally accepted accounting principles.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection applies to articles classifiable under subheading 9802.00.40 or 9802.00.50 of the Harmonized Tariff Schedule of the United States that are entered, or withdrawn from warehouse for consumption, on or after the date that is 60 days after the date of the enactment of this Act.

(b) MODIFICATION OF PROVISIONS RELATING TO RETURNED PROPERTY.—

(1) IN GENERAL.—The article description for heading 9801.00.10 of the Harmonized Tariff Schedule of the United States is amended by inserting after ''exported'' the following: '', or any other products when returned within 3 years after having been exported''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) applies to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 60 days after the date of the enactment of this Act.

(c) DUTY-FREE TREATMENT FOR CERTAIN UNITED STATES GOVERNMENT PROPERTY RETURNED TO THE UNITED STATES.—

(1) IN GENERAL.—Subchapter I of chapter 98 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

SEC. 906. DRAWBACK AND REFUNDS.

(a) ARTICLES MADE FROM IMPORTED MERCHANDISE.—Section 313(a) of the Tariff Act of 1930 (19 U.S.C. 1313(a)) is amended by striking ''the full amount of the duties paid upon the merchandise so used shall be refunded as drawback, less 1 per centum of such duties, except that such'' and inserting ''an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l) shall be refunded as drawback, except that''.

(b) SUBSTITUTION FOR DRAWBACK PURPOSES.—Section 313(b) of the Tariff Act of 1930 (19 U.S.C. 1313(b)) is amended—

(1) by striking ''If imported'' and inserting the following:

''(1) IN GENERAL.—If imported'';

(2) by striking ''and any other merchandise (whether imported or domestic) of the same kind and quality are'' and inserting ''or merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise is'';

(3) by striking ''three years'' and inserting ''5 years'';

(4) by striking ''the receipt of such imported merchandise by the manufacturer or producer of such articles'' and inserting ''the

date of importation of such imported merchandise'';

(5) by striking ''an amount of drawback equal to'' and all that follows through the end period and inserting ''an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l), but only if those articles have not been used prior to such exportation or destruction.''; and

(6) by adding at the end the following:

''(2) REQUIREMENTS RELATING TO TRANSFER OF MERCHANDISE.—

''(A) MANUFACTURERS AND PRODUCERS.—Drawback shall be allowed under paragraph (1) with respect to an article manufactured or produced using imported merchandise or other merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise only if the manufacturer or producer of the article received such imported merchandise or such other merchandise, directly or indirectly, from the importer.

''(B) EXPORTERS AND DESTROYERS.—Drawback shall be allowed under paragraph (1) with respect to a manufactured or produced article that is exported or destroyed only if the exporter or destroyer received that article, directly or indirectly, from the manufacturer or producer.

''(C) EVIDENCE OF TRANSFER.—Transfers of merchandise under subparagraph (A) and transfers of articles under subparagraph (B) may be evidenced by business records kept in the normal course of business and no additional certificates of transfer or manufacture shall be required.

''(3) SUBMISSION OF BILL OF MATERIALS OR FORMULA.—

''(A) IN GENERAL.—Drawback shall be allowed under paragraph (1) with respect to an article manufactured or produced using imported merchandise or other merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise only if the person making the drawback claim submits with the claim a bill of materials or formula identifying the merchandise and article by the 8-digit HTS subheading number and the quantity of the merchandise.

''(B) BILL OF MATERIALS AND FORMULA DEFINED.—In this paragraph, the terms 'bill of materials' and 'formula' mean records kept in the normal course of business that identify each component incorporated into a manufactured or produced article or that identify the quantity of each element, material, chemical, mixture, or other substance incorporated into a manufactured article.

''(4) SPECIAL RULE FOR SOUGHT CHEMICAL ELEMENTS.—

''(A) IN GENERAL.—For purposes of paragraph (1), a sought chemical element may be—

''(i) considered imported merchandise, or merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise, used in the manufacture or production of an article as described in paragraph (1); and

''(ii) substituted for source material containing that sought chemical element, without regard to whether the sought chemical element and the source material are classifiable under the same 8-digit HTS subheading number, and apportioned quantitatively, as appropriate.

''(B) SOUGHT CHEMICAL ELEMENT DEFINED.—In this paragraph, the term 'sought chemical element' means an element listed in the Periodic Table of Elements that is imported into the United States or a chemical compound consisting of those elements, either separately in elemental form or contained in source material.''.

(c) MERCHANDISE NOT CONFORMING TO SAMPLE OR SPECIFICATIONS.—Section 313(c) of the Tariff Act of 1930 (19 U.S.C. 1313(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C)(ii), by striking ''under a certificate of delivery'' each place it appears;

(B) in subparagraph (D)—

(i) by striking ''3'' and inserting ''5''; and

(ii) by striking ''the Customs Service'' and inserting ''U.S. Customs and Border Protection''; and

(C) in the flush text at the end, by striking ''the full amount of the duties paid upon such merchandise, less 1 percent,'' and inserting ''an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l)'';

(2) in paragraph (2), by striking ''the Customs Service'' and inserting ''U.S. Customs and Border Protection''; and

(3) by amending paragraph (3) to read as follows:

''(3) EVIDENCE OF TRANSFERS.—Transfers of merchandise under paragraph (1) may be evidenced by business records kept in the normal course of business and no additional certificates of transfer shall be required.''.

(d) PROOF OF EXPORTATION.—Section 313(i) of the Tariff Act of 1930 (19 U.S.C. 1313(i)) is amended to read as follows:

''(i) PROOF OF EXPORTATION.—A person claiming drawback under this section based on the exportation of an article shall provide proof of the exportation of the article. Such proof of exportation—

''(1) shall establish fully the date and fact of exportation and the identity of the exporter; and

''(2) may be established through the use of records kept in the normal course of business or through an electronic export system of the United States Government, as determined by the Commissioner of U.S. Customs and Border Protection.''.

(e) UNUSED MERCHANDISE DRAWBACK.—Section 313(j) of the Tariff Act of 1930 (19 U.S.C. 1313(j)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), in the matter preceding clause (i)—

(i) by striking ''3-year'' and inserting ''5-year''; and

(ii) by inserting ''and before the drawback claim is filed'' after ''the date of importation''; and

(B) in the flush text at the end, by striking ''99 percent of the amount of each duty, tax, or fee so paid'' and inserting ''an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l)'';

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''paragraph (4)'' and inserting ''paragraphs (4), (5), and (6)'';

(B) in subparagraph (A), by striking ''commercially interchangeable with'' and inserting ''classifiable under the same 8-digit HTS subheading number as'';

(C) in subparagraph (B)—

(i) by striking ''3-year'' and inserting ''5-year''; and

(ii) by inserting ''and before the drawback claim is filed'' after ''the imported merchandise''; and

(D) in subparagraph (C)(ii), by striking subclause (II) and inserting the following:

''(II) received the imported merchandise, other merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise, or any combination of such imported merchandise and such other merchandise, directly or indirectly from the person who imported and paid any duties, taxes, and fees imposed under Federal law upon importation or entry and due on the imported merchandise (and any such transferred merchandise, regardless of its origin, will be treated as the imported merchandise and any retained merchandise will be treated as domestic merchandise);'';

(E) in the flush text at the end—

(i) by striking ''the amount of each such duty, tax, and fee'' and all that follows through ''99 percent of that duty, tax, or fee'' and inserting ''an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l) shall be refunded as drawback''; and

(ii) by striking the last sentence and inserting the following: ''Notwithstanding subparagraph (A), drawback shall be allowed under this paragraph with respect to wine if the imported wine and the exported wine are of the same color and the price variation between the imported wine and the exported wine does not exceed 50 percent. Transfers of merchandise may be evidenced by business records kept in the normal course of business and no additional certificates of transfer shall be required.''; and

(3) in paragraph (3)(B), by striking ''the commercially interchangeable merchandise'' and inserting ''merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise''; and

(4) by adding at the end the following:

''(5)(A) For purposes of paragraph (2) and except as provided in subparagraph (B), merchandise may not be substituted for imported merchandise for drawback purposes based on the 8-digit HTS subheading number if the article description for the 8-digit HTS subheading number under which the imported merchandise is classified begins with the term 'other'.

''(B) In cases described in subparagraph (A), merchandise may be substituted for imported merchandise for drawback purposes if—

''(i) the other merchandise and such imported merchandise are classifiable under the same 10-digit HTS statistical reporting number; and

''(ii) the article description for that 10-digit HTS statistical reporting number does not begin with the term 'other'.

''(6)(A) For purposes of paragraph (2), a drawback claimant may use the first 8 digits of the 10-digit Schedule B number for merchandise or an article to determine if the merchandise or article is classifiable under the same 8-digit HTS subheading number as the imported merchandise, without regard to whether the Schedule B number corresponds to more than one 8-digit HTS subheading number.

''(B) In this paragraph, the term 'Schedule B' means the Department of Commerce Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States.''.

(f) LIABILITY FOR DRAWBACK CLAIMS.—Section 313(k) of the Tariff Act of 1930 (19 U.S.C. 1313(k)) is amended to read as follows:

''(k) LIABILITY FOR DRAWBACK CLAIMS.—

''(1) IN GENERAL.—Any person making a claim for drawback under this section shall be liable for the full amount of the drawback claimed.

''(2) LIABILITY OF IMPORTERS.—An importer shall be liable for any drawback claim made by another person with respect to merchandise imported by the importer in an amount equal to the lesser of—

''(A) the amount of duties, taxes, and fees that the person claimed with respect to the imported merchandise; or

''(B) the amount of duties, taxes, and fees that the importer authorized the other person to claim with respect to the imported merchandise.

''(3) JOINT AND SEVERAL LIABILITY.—Persons described in paragraphs (1) and (2) shall be jointly and severally liable for the amount described in paragraph (2).''.

(g) REGULATIONS.—Section 313(l) of the Tariff Act of 1930 (19 U.S.C. 1313(l)) is amended to read as follows:

''(l) REGULATIONS.—

''(1) IN GENERAL.—Allowance of the privileges provided for in this section shall be subject to compliance with such rules and regulations as the Secretary of the Treasury shall prescribe.

''(2) CALCULATION OF DRAWBACK.—

''(A) IN GENERAL.—Not later than the date that is 2 years after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015 (or, if later, the effective date provided for in section 906(q)(2)(B) of that Act), the Secretary shall prescribe regulations for determining the calculation of amounts refunded as drawback under this section.

''(B) CLAIMS WITH RESPECT TO UNUSED MERCHANDISE.—The regulations required by subparagraph (A) for determining the calculation of amounts refunded as drawback under this section shall provide for a refund of equal to 99 percent of the duties, taxes, and fees paid with respect to the imported merchandise, except that where there is substitution of the merchandise or article, then—

''(i) in the case of an article that is exported, the amount of the refund shall be equal to 99 percent of the lesser of—

''(I) the amount of duties, taxes, and fees paid with respect to the imported merchandise; or

''(II) the amount of duties, taxes, and fees that would apply to the exported article if the exported article were imported; and

''(ii) in the case of an article that is destroyed, the amount of the refund shall be an amount that is—

''(I) equal to 99 percent of the lesser of—

''(aa) the amount of duties, taxes, and fees paid with respect to the imported merchandise; and

''(bb) the amount of duties, taxes, and fees that would apply to the destroyed article if the destroyed article were imported; and

''(II) reduced by the value of materials recovered during destruction as provided in subsection (x).

''(C) CLAIMS WITH RESPECT TO ARTICLES INTO WHICH SUBSTITUTE MERCHANDISE IS INCORPORATED.—The regulations required by subparagraph (A) for determining the calculation of amounts refunded as drawback under this section shall provide for a refund of 99 percent of the duties, taxes, and fees paid with respect to the imported merchandise incorporated into an article that is exported or destroyed, except that where there is substitution of the imported merchandise, then—

''(i) in the case of an article that is exported, the amount of the refund shall be equal to 99 percent of the lesser of—

''(I) the amount of duties, taxes, and fees paid with respect to the imported merchandise; or

''(II) the amount of duties, taxes, and fees that would apply to the substituted merchandise if the substituted merchandise were imported; and

''(ii) in the case of an article that is destroyed, the amount of the refund shall be an amount that is—

''(I) equal to 99 percent of the lesser of—

''(aa) the amount of duties, taxes, and fees paid with respect to the imported merchandise; and

''(bb) the amount of duties, taxes, and fees that would apply to the substituted merchandise if the substituted merchandise were imported; and

''(II) reduced by the value of materials recovered during destruction as provided in subsection (x).

''(3) STATUS REPORTS ON REGULATIONS.—Not later than the date that is one year after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015, and annually thereafter until the regulations required by paragraph (2) are final, the Secretary shall submit to Congress a report on the status of those regulations.''.

(h) SUBSTITUTION OF FINISHED PETROLEUM DERIVATIVES.—Section 313(p) of the Tariff Act of 1930 (19 U.S.C. 1313(p)) is amended—

(1) by striking ''Harmonized Tariff Schedule of the United States'' each place it appears and inserting ''HTS''; and

(2) in paragraph (3)(A)—

(A) in clause (ii)(III), by striking '', as so certified in a certificate of delivery or certificate of manufacture and delivery''; and

(B) in the flush text at the end—

(i) by striking '', so designated on the certificate of delivery or certificate of manufacture and delivery''; and

(ii) by striking the last sentence and inserting the following: ''The party transferring the merchandise shall maintain records kept in the normal course of business to demonstrate the transfer.''.

(i) PACKAGING MATERIAL.—Section 313(q) of the Tariff Act of 1930 (19 U.S.C. 1313(q)) is amended—

(1) in paragraph (1), by striking ''of 99 percent of any duty, tax, or fee imposed under Federal law on such imported material'' and inserting ''in an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l)'';

(2) in paragraph (2), by striking ''of 99 percent of any duty, tax, or fee imposed under Federal law on the imported or substituted merchandise used to manufacture or produce such material'' and inserting ''in an amount calculated pursuant to regulations prescribed by the Secretary of the Treasury under subsection (l)''; and

(3) in paragraph (3), by striking ''they contain'' and inserting ''it contains''.

(j) FILING OF DRAWBACK CLAIMS.—Section 313(r) of the Tariff Act of 1930 (19 U.S.C. 1313(r)) is amended—

(1) in paragraph (1)—

(A) by striking the first sentence and inserting the following: ''A drawback entry shall be filed or applied for, as applicable, not later than 5 years after the date on which merchandise on which drawback is claimed was imported.'';

(B) in the second sentence, by striking ''3-year'' and inserting ''5-year''; and

(C) in the third sentence, by striking ''the Customs Service'' and inserting ''U.S. Customs and Border Protection'';

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''The Customs Service'' and inserting ''U.S. Customs and Border Protection'';

(ii) in clauses (i) and (ii), by striking ''the Customs Service'' each place it appears and inserting ''U.S. Customs and Border Protection''; and

(iii) in clause (ii)(I), by striking ''3-year'' and inserting ''5-year''; and

(B) in subparagraph (B), by striking ''the periods of time for retaining records set forth in subsection (t) of this section and'' and inserting ''the period of time for retaining records set forth in''; and

(3) by adding at the end the following:

''(4) All drawback claims filed on and after the date that is 2 years after the date of the enactment of the Trade Facilitation and Trade Enforcement Act of 2015 (or, if later, the effective date provided for in section 906(q)(2)(B) of that Act) shall be filed electronically.''.

(k) DESIGNATION OF MERCHANDISE BY SUCCESSOR.—Section 313(s) of the Tariff Act of 1930 (19 U.S.C. 1313(s)) is amended—

(1) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) subject to paragraphs (5) and (6) of subsection (j), imported merchandise, other merchandise classifiable under the same 8-digit HTS subheading number as such imported merchandise, or any combination of such imported merchandise and such other merchandise, that the predecessor received, before the date of succession, from the person who imported and paid any duties, taxes, and fees due on the imported merchandise;''; and

(2) in paragraph (4), by striking ''certifies that'' and all that follows and inserting ''certifies that the transferred merchandise was not and will not be claimed by the predecessor.''.

(l) DRAWBACK CERTIFICATES.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by striking subsection (t).

(m) DRAWBACK FOR RECOVERED MATERIALS.—Section 313(x) of the Tariff Act of 1930 (19 U.S.C. 1313(x)) is amended by striking ''and (c)'' and inserting ''(c), and (j)''.

(n) DEFINITIONS.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end the following:

''(z) DEFINITIONS.—In this section:

''(1) DIRECTLY.—The term 'directly' means a transfer of merchandise or an article from one person to another person without any intermediate transfer.

''(2) HTS.—The term 'HTS' means the Harmonized Tariff Schedule of the United States.

''(3) INDIRECTLY.—The term 'indirectly' means a transfer of merchandise or an article from one person to another person with one or more intermediate transfers.''.

(o) RECORDKEEPING.—Section 508(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1508(c)(3)) is amended—

(1) by striking ''3rd'' and inserting ''5th''; and

(2) by striking ''payment'' and inserting ''liquidation''.

(p) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—

(1) IN GENERAL.—Not later than one year after the issuance of the regulations required by subsection (l)(2) of section 313 of the Tariff Act of 1930, as added by subsection (g) of this section, the Comptroller General of the United States shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the modernization of drawback and refunds under section 313 of the Tariff Act of 1930, as amended by this section.

(2) CONTENTS.—The report required by paragraph (1) include the following:

(A) An assessment of the modernization of drawback and refunds under section 313 of the Tariff Act of 1930, as amended by this section.

(B) A description of drawback claims that were permissible before the effective date provided for in subsection (q) that are not permissible after that effective date and an identification of industries most affected.

(C) A description of drawback claims that were not permissible before the effective date provided for in subsection (q) that are permissible after that effective date and an identification of industries most affected.

(q) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply to drawback claims filed on or after the date that is 2 years after such date of enactment.

(2) REPORTING OF OPERABILITY OF AUTOMATED COMMERCIAL ENVIRONMENT COMPUTER SYSTEM.—Not later than one year after the date of the enactment of this Act, and not

later than 2 years after such date of enactment, the Secretary of the Treasury shall submit to Congress a report on—

(A) the date on which the Automated Commercial Environment will be ready to process drawback claims; and

(B) the date on which the Automated Export System will be ready to accept proof of exportation under subsection (i) of section 313 of the Tariff Act of 1930, as amended by subsection (d).

(3) TRANSITION RULE.—During the one-year period beginning on the date that is 2 years after the date of the enactment of this Act (or, if later, the effective date provided for in paragraph (2)(B)), a person may elect to file a claim for drawback under—

(A) section 313 of the Tariff Act of 1930, as amended by this section; or

(B) section 313 of the Tariff Act of 1930, as in effect on the day before the date of the enactment of this Act.

SEC. 907. OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

(a) ANNUAL REPORT ON TRADE AGREEMENTS PROGRAM AND NATIONAL TRADE POLICY AGENDA.—Section 163(a) of the Trade Act of 1974 (19 U.S.C. 2213(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) the operation of all United States Trade Representative-led interagency programs during the preceding year and for the year in which the report is submitted.''; and

(2) by adding at the end the following:

''(4) The report shall include, with respect to the matters referred to in paragraph (1)(C), information regarding—

''(A) the objectives and priorities of all United States Trade Representative-led interagency programs for the year, and the reasons therefor;

''(B) the actions proposed, or anticipated, to be undertaken during the year to achieve such objectives and priorities, including actions authorized under the trade laws and negotiations with foreign countries;

''(C) the role of each Federal agency participating in the interagency program in achieving such objectives and priorities and activities of each agency with respect to their participation in the program;

''(D) the United States Trade Representative's coordination of each participating Federal agency to more effectively achieve such objectives and priorities;

''(E) any proposed legislation necessary or appropriate to achieve any of such objectives or priorities; and

''(F) the progress that was made during the preceding year in achieving such objectives and priorities and coordination activities included in the statement provided for such year under this paragraph.''.

(b) RESOURCE MANAGEMENT AND STAFFING PLANS.—

(1) ANNUAL PLAN.—

(A) IN GENERAL.—The United States Trade Representative shall on an annual basis develop a plan—

(i) to match available resources of the Office of the United States Trade Representative to projected workload and provide a detailed analysis of how the funds allocated from the prior fiscal year to date have been spent;

(ii) to identify existing staff of the Office and new staff that will be necessary to support the trade negotiation and enforcement functions and powers of the Office (including those of the Trade Policy Staff Committee) as described in section 141 of the Trade Act of 1974 (19 U.S.C. 2171) and section 301 of the Trade Act of 1974 (19 U.S.C. 2411);

(iii) to identify existing staff of the Office and staff of other Federal agencies who will be required to be detailed to support United States Trade Representative-led interagency programs, including any associated expenses; and

(iv) to provide a detailed analysis of the budgetary requirements of United States Trade Representative-led interagency programs for the next fiscal year and provide a detailed analysis of how the funds allocated from the prior fiscal year to date have been spent.

(B) REPORT.—The United States Trade Representative shall submit to the Committee on Ways and Means and the Committee on Appropriations of the House of Representatives and the Committee on Finance and the Committee on Appropriations of the Senate a report that contains the plan required under subparagraph (A). The report required under this subparagraph shall be submitted in conjunction with the annual budget of the United States Government required to be submitted to Congress under section 1105 of title 31, United States Code.

(2) QUADRENNIAL PLAN.—

(A) IN GENERAL.—Pursuant to the goals and objectives of the strategic plan of the Office of the United States Trade Representative as required under section 306 of title 5, United States Code, the United States Trade Representative shall every 4 years develop a plan—

(i) to analyze internal quality controls and record management of the Office;

(ii) to identify existing staff of the Office and new staff that will be necessary to support the trade negotiation and enforcement functions and powers of the Office (including those of the Trade Policy Staff Committee) as described in section 141 of the Trade Act of 1974 (19 U.S.C. 2171) and section 301 of the Trade Act of 1974 (19 U.S.C. 2411);

(iii) to identify existing staff of the Office and staff in other Federal agencies who will be required to be detailed to support United States Trade Representative-led interagency programs, including any associated expenses;

(iv) to provide an outline of budget justifications, including salaries and expenses as well as non-personnel administrative expenses, for the fiscal years required under the strategic plan; and

(v) to provide an outline of budget justifications, including salaries and expenses as well as non-personnel administrative expenses, for United States Trade Representative-led interagency programs for the fiscal years required under the strategic plan.

(B) REPORT.—

(i) IN GENERAL.—The United States Trade Representative shall submit to the Committee on Ways and Means and the Committee on Appropriations of the House of Representatives and the Committee on Finance and the Committee on Appropriations of the Senate a report that contains the plan required under subparagraph (A). Except as provided in clause (ii), the report required under this clause shall be submitted in conjunction with the strategic plan of the Office as required under section 306 of title 5, United States Code.

(ii) EXCEPTION.—The United States Trade Representative shall submit to the congressional committees specified in clause (i) an initial report that contains the plan required under subparagraph (A) not later than February 1, 2016.

SEC. 908. UNITED STATES-ISRAEL TRADE AND COMMERCIAL ENHANCEMENT.

(a) FINDINGS.—Congress finds the following:

(1) Israel is America's dependable, democratic ally in the Middle East—an area of paramount strategic importance to the United States.

(2) The United States-Israel Free Trade Agreement formed the modern foundation of the bilateral commercial relationship between the two countries and was the first such agreement signed by the United States with a foreign country.

(3) The United States-Israel Free Trade Agreement has been instrumental in expanding commerce and the strategic relationship between the United States and Israel.

(4) More than $45 billion in goods and services is traded annually between the two countries in addition to roughly $10 billion in United States foreign direct investment in Israel.

(5) The United States continues to look for and find new opportunities to enhance cooperation with Israel, including through the enactment of the United States-Israel Enhanced Security Cooperation Act of 2012 (Public Law 112–150) and the United States-Israel Strategic Partnership Act of 2014 (Public Law 113–296).

(6) It has been the policy of the United States Government to combat all elements of the Arab League Boycott of Israel by—

(A) public statements of Administration officials;

(B) enactment of relevant sections of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act), including sections to ensure foreign persons comply with applicable reporting requirements relating to the boycott;

(C) enactment of the 1976 Tax Reform Act (Public Law 94–455) that denies certain tax benefits to entities abiding by the boycott;

(D) ensuring through free trade agreements with Bahrain and Oman that such countries no longer participate in the boycott; and

(E) ensuring as a condition of membership in the World Trade Organization that Saudi Arabia no longer enforces the secondary or tertiary elements of the boycott.

(b) STATEMENTS OF POLICY.—Congress—

(1) supports the strengthening of United States-Israel economic cooperation and recognizes the tremendous strategic, economic, and technological value of cooperation with Israel;

(2) recognizes the benefit of cooperation with Israel to United States companies, including by improving American competitiveness in global markets;

(3) recognizes the importance of trade and commercial relations to the pursuit and sustainability of peace, and supports efforts to bring together the United States, Israel, the Palestinian territories, and others in enhanced commerce;

(4) opposes politically motivated actions that penalize or otherwise limit commercial relations specifically with Israel such as boycotts, divestment or sanctions;

(5) notes that the boycott, divestment, and sanctioning of Israel by governments, governmental bodies, quasi-governmental bodies, international organizations, and other such entities is contrary to the General Agreement on Tariffs and Trade (GATT) principle of non-discrimination;

(6) encourages the inclusion of politically motivated actions that penalize or otherwise limit commercial relations specifically with Israel such as boycotts, divestment from, or sanctions against Israel as a topic of discussion at the U.S.-Israel Joint Economic Development Group (JEDG) and other areas to support the strengthening of the United States-Israel commercial relationship and combat any commercial discrimination against Israel;

(7) supports efforts to prevent investigations or prosecutions by governments or international organizations of United States persons on the sole basis of such persons

doing business with Israel, with Israeli entities, or in Israeli-controlled territories; and

(8) supports American States examining a company's promotion or compliance with unsanctioned boycotts, divestment from, or sanctions against Israel as part of its consideration in awarding grants and contracts and supports the divestment of State assets from companies that support or promote actions to boycott, divest from, or sanction Israel.

(c) PRINCIPAL TRADE NEGOTIATING OBJECTIVES OF THE UNITED STATES.—

(1) COMMERCIAL PARTNERSHIPS.—Among the principal trade negotiating objectives of the United States for proposed trade agreements with foreign countries regarding commercial partnerships are the following:

(A) To discourage actions by potential trading partners that directly or indirectly prejudice or otherwise discourage commercial activity solely between the United States and Israel.

(B) To discourage politically motivated actions to boycott, divest from, or sanction Israel and to seek the elimination of politically motivated non-tariff barriers on Israeli goods, services, or other commerce imposed on the State of Israel.

(C) To seek the elimination of state-sponsored unsanctioned foreign boycotts against Israel or compliance with the Arab League Boycott of Israel by prospective trading partners.

(2) EFFECTIVE DATE.—This subsection takes effect on the date of the enactment of this Act and applies with respect to negotiations commenced before, on, or after the date of the enactment of this Act.

(d) REPORT ON POLITICALLY MOTIVATED ACTS OF BOYCOTT, DIVESTMENT FROM, AND SANCTIONS AGAINST ISRAEL.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a report on politically motivated acts of boycott, divestment from, and sanctions against Israel.

(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include the following:

(A) A description of the establishment of barriers to trade, including non-tariff barriers, investment, or commerce by foreign countries or international organizations against United States persons operating or doing business in Israel, with Israeli entities, or in Israeli-controlled territories.

(B) A description of specific steps being taken by the United States to encourage foreign countries and international organizations to cease creating such barriers and to dismantle measures already in place and an assessment of the effectiveness of such steps.

(C) A description of specific steps being taken by the United States to prevent investigations or prosecutions by governments or international organizations of United States persons on the sole basis of such persons doing business with Israel, with Israeli entities, or in Israeli-controlled territories.

(D) Decisions by foreign persons, including corporate entities and state-affiliated financial institutions, that limit or prohibit economic relations with Israel or persons doing business in Israel or in Israeli controlled territories.

(e) CERTAIN FOREIGN JUDGMENTS AGAINST UNITED STATES PERSONS.—Notwithstanding any other provision of law, no domestic court shall recognize or enforce any foreign judgment entered against a United States person that conducts business operations in Israel, or any territory controlled by Israel, if the domestic court determines that the foreign judgment is based, in whole or in part, on a determination by a foreign court that the United States person's conducting business operations therein or with Israeli entities constitutes a violation of law.

(f) DEFINITIONS.—In this section:

(1) BOYCOTT, DIVESTMENT FROM, AND SANCTIONS AGAINST ISRAEL.—The term ''boycott, divestment from, and sanctions against Israel'' means actions by states, non-member states of the United Nations, international organizations, or affiliated agencies of international organizations that are politically motivated and are intended to penalize or otherwise limit commercial relations specifically with Israel or persons doing business in Israel or in Israeli-controlled territories.

(2) DOMESTIC COURT.—The term ''domestic court'' means a Federal court of the United States, or a court of any State or territory of the United States or of the District of Columbia.

(3) FOREIGN COURT.—The term ''foreign court'' means a court, an administrative body, or other tribunal of a foreign country.

(4) FOREIGN JUDGMENT.—The term ''foreign judgment'' means a final civil judgment rendered by a foreign court.

(5) FOREIGN PERSON.—The term ''foreign person'' means—

(A) any natural person who is not lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)) or who is not a protected individual (as defined in section 274B(a)(3) of such Act (8 U.S.C. 1324b(a)(3)); or

(B) any foreign corporation, business association, partnership, trust, society or any other entity or group that is not incorporated or organized to do business in the United States, as well as any international organization, foreign government and any agency or subdivision of foreign government, including a diplomatic mission.

(6) PERSON.—

(A) IN GENERAL.—The term ''person'' means—

(i) a natural person;

(ii) a corporation, business association, partnership, society, trust, financial institution, insurer, underwriter, guarantor, and any other business organization, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise; and

(iii) any successor to any entity described in clause (ii).

(B) APPLICATION TO GOVERNMENTAL ENTITIES.—The term ''person'' does not include a government or governmental entity that is not operating as a business enterprise.

(7) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a natural person who is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))); or

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity.

SEC. 909. ELIMINATION OF CONSUMPTIVE DEMAND EXCEPTION TO PROHIBITION ON IMPORTATION OF GOODS MADE WITH CONVICT LABOR, FORCED LABOR, OR INDENTURED LABOR; REPORT.

(a) ELIMINATION OF CONSUMPTIVE DEMAND EXCEPTION.—

(1) IN GENERAL.—Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) is amended by striking ''The provisions of this section'' and all that follows through ''of the United States.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 15 days after the date of the enactment of this Act.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Commissioner shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on compliance with section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) that includes the following:

(1) The number of instances in which merchandise was denied entry pursuant to that section during the 1-year period preceding the submission of the report.

(2) A description of the merchandise denied entry pursuant to that section.

(3) Such other information as the Commissioner considers appropriate with respect to monitoring and enforcing compliance with that section.

SEC. 910. CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by adding at the end the following:

''(C) Fees may be charged under paragraphs (9) and (10) of subsection (a) during the period beginning on July 8, 2025, and ending on July 28, 2025.''.

(b) RATE FOR MERCHANDISE PROCESSING FEES.—Section 503 of the United States–Korea Free Trade Agreement Implementation Act (Public Law 112–41; 125 Stat. 460) is amended—

(1) by striking ''For the period'' and inserting ''(a) IN GENERAL.—For the period''; and

(2) by adding at the end the following:

''(b) ADDITIONAL PERIOD.—For the period beginning on July 1, 2025, and ending on July 14, 2025, section 13031(a)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(9)) shall be applied and administered—

''(1) in subparagraph (A), by substituting '0.3464' for '0.21'; and

''(2) in subparagraph (B)(i), by substituting '0.3464' for '0.21'.''.

SEC. 911. REPORT ON CERTAIN U.S. CUSTOMS AND BORDER PROTECTION AGREEMENTS.

(a) IN GENERAL.—Not later than one year after entering into an agreement under a program specified in subsection (b), and annually thereafter until the termination of the program, the Commissioner shall submit to the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a report that includes the following:

(1) A description of the development of the program.

(2) A description of the type of entity with which U.S. Customs and Border Protection entered into the agreement and the amount that entity reimbursed U.S. Customs and Border Protection under the agreement.

(3) An identification of the type of port of entry to which the agreement relates and an assessment of how the agreement provides economic benefits at the port of entry.

(4) A description of the services provided by U.S. Customs and Border Protection under the agreement during the year preceding the submission of the report.

(5) The amount of fees collected under the agreement during that year.

(6) A detailed accounting of how the fees collected under the agreement have been spent during that year.

(7) A summary of any complaints or criticism received by U.S. Customs and Border Protection during that year regarding the agreement.

(8) An assessment of the compliance of the entity described in paragraph (2) with the terms of the agreement.

(9) Recommendations with respect to how activities conducted pursuant to the agreement could function more effectively or better produce economic benefits.

(10) A summary of the benefits to and challenges faced by U.S. Customs and Border Protection and the entity described in paragraph (2) under the agreement.

(b) PROGRAM SPECIFIED.—A program specified in this subsection is—

(1) the program for entering into reimbursable fee agreements for the provision of U.S. Customs and Border Protection services established by section 560 of the Department of Homeland Security Appropriations Act, 2013 (division D of Public Law 113–6; 127 Stat. 378); or

(2) the pilot program authorizing U.S. Customs and Border Protection to enter into partnerships with private sector and government entities at ports of entry established by section 559 of the Department of Homeland Security Appropriations Act, 2014 (division F of Public Law 113–76; 6 U.S.C. 211 note).

SEC. 912. AMENDMENTS TO BIPARTISAN CONGRESSIONAL TRADE PRIORITIES AND ACCOUNTABILITY ACT OF 2015.

(a) IMMIGRATION LAWS OF THE UNITED STATES.—Section 102(a) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 is amended—

(1) in paragraph (12), by striking ''and'' at the end;

(2) in paragraph (13), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(14) to ensure that trade agreements do not require changes to the immigration laws of the United States or obligate the United States to grant access or expand access to visas issued under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).''.

(b) GLOBAL WARMING.—Section 102(a) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015, as amended by subsection (a) of this section, is amended—

(1) in paragraph (13), by striking ''and'' at the end;

(2) in paragraph (14), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(15) to ensure that trade agreements do not require changes to U.S. law or obligate the United States with respect to global warming or climate change.''.

(c) FISHERIES NEGOTIATIONS.—Section 102(b) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 is amended by adding at the end the following:

''(22) FISHERIES NEGOTIATIONS.—The principal negotiating objectives of the United States with respect to trade in fish, seafood, and shellfish products are to obtain competitive opportunities for United States exports of fish, seafood, and shellfish products in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports of fish, seafood, and shellfish products in United States markets and to achieve fairer and more open conditions of trade in fish, seafood, and shellfish products, including by reducing or eliminating tariff and non-tariff barriers and eliminating subsidies that distort trade.''.

(d) ACCREDITATION.—Section 104(c)(2)(C) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 is amended by inserting after the first sentence the following: ''In addition, the chairman and ranking members described in subparagraphs (A)(i) and (B)(i) shall each be permitted to designate up to 3 personnel with proper security clearances to serve as delegates to such negotiations.''.

(e) TRAFFICKING IN PERSONS.—Section 106(b)(6) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following:

''(B) EXCEPTION.—

''(i) INVOKING EXCEPTION.—If the President submits to the appropriate congressional committees a letter stating that a country to which subparagraph (A) applies has taken concrete actions to implement the principal recommendations with respect to that country in the most recent annual report on trafficking in persons, this paragraph shall not apply with respect to agreements with that country.

''(ii) CONTENT OF LETTER; PUBLIC AVAILABILITY.—A letter submitted under clause (i) with respect to a country shall—

''(I) include a description of the concrete actions that the country has taken to implement the principal recommendations described in clause (i); and

''(II) be made available to the public.

''(iii) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subparagraph, the term 'appropriate congressional committees' means—

''(I) the Committee on Ways and Means and the Committee on Foreign Affairs of the House of Representatives; and

''(II) the Committee on Finance and the Committee on Foreign Relations of the Senate.'';

(f) TECHNICAL AMENDMENTS.—The Bipartisan Congressional Trade Priorities and Accountability Act of 2015 is amended—

(1) in section 105(b)(3)—

(A) in subparagraph (A)(ii), by striking ''section 102(b)(16)'' and inserting ''section 102(b)(17)''; and

(B) in subparagraph (B)(ii), by striking ''section 102(b)(16)'' and inserting ''section 102(b)(17)''; and

(2) in section 106(b)(5), by striking ''section 102(b)(15)(C)'' and inserting ''section 102(b)(16)(C)''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015.

SEC. 913. CERTAIN INTEREST TO BE INCLUDED IN DISTRIBUTIONS UNDER CONTINUED DUMPING AND SUBSIDY OFFSET ACT OF 2000.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Commissioner shall include in all distributions of collected antidumping and countervailing duties described in subsection (b) all interest earned on such duties, including—

(1) interest accrued under section 778 of the Tariff Act of 1930 (19 U.S.C. 1677g),

(2) interest accrued under section 505(d) of the Tariff Act of 1930 (19 U.S.C. 1505(d)), and

(3) common-law equitable interest, and all interest under section 963 of the Revised Statutes of the United States (19 U.S.C. 580),

awarded by a court against a surety's late payment of antidumping or countervailing duties and interest described in paragraph (1) or (2), under its bond,

which is, or was, realized through application of any payment received on or after October 1, 2014, by U.S. Customs and Border Protection under, or in connection with, any customs bond pursuant to a court order or judgment, or any settlement for any such bond.

(b) DISTRIBUTIONS DESCRIBED.—The distributions described in subsection (a) are all distributions made on or after the date of the enactment of this Act pursuant to section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c) (as such section was in effect on February 7, 2006) of collected antidumping and countervailing duties assessed on or after October 1, 2000, on entries made through September 30, 2007.

SEC. 914. REPORT ON COMPETITIVENESS OF U.S. RECREATIONAL PERFORMANCE OUTERWEAR INDUSTRY.

Not later than June 1, 2016, the United States International Trade Commission shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the competitiveness of the United States recreational performance outwear industry and its effects on the United States economy, including an assessment of duty structures on inputs as well as finished products and global supply chains.

SEC. 915. INCREASE IN PENALTY FOR FAILURE TO FILE RETURN OF TAX.

(a) IN GENERAL.—Section 6651(a) of the Internal Revenue Code of 1986 is amended by striking ''$135'' in the last sentence and inserting ''$205''.

(b) CONFORMING AMENDMENT.—Section 6651(i) of such Code is amended by striking ''$135'' and inserting ''$205''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed in calendar years after 2015.

The SPEAKER pro tempore. Pursuant to House Resolution 305, the motion shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from Ohio (Mr. TIBERI) and the gentleman from Michigan (Mr. LEVIN) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. TIBERI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 644, the Trade Facilitation and Trade Enforcement Act of 2015, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TIBERI. Mr. Speaker, I include an exchange of letters between the committees of jurisdiction in the RECORD at this point.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, May 14, 2015.

Hon. PAUL RYAN,
Chairman, Committee on Ways and Means, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN RYAN: I am writing to you concerning the jurisdictional interest of the Committee on Homeland Security in H.R. 1907, the ''Trade Facilitation and Trade Enforcement Act of 2015.'' The bill includes provisions that fall within the jurisdiction of the Committee on Homeland Security.

I recognize and appreciate the desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, the Committee on Homeland Security will forego consideration of this bill. The Committee takes this action

with the mutual understanding that by foregoing consideration of H.R. 1907 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction.

This waiver is also given with the understanding that the Committee on Homeland Security expressly reserves its authority to seek conferees on any provision within its jurisdiction during any House-Senate conference that may be convened on this or any similar legislation, and requests your support for such a request.

I would appreciate your response to this letter confirming this understanding with respect to H.R. 1907, and ask that a copy of this letter and your response be included in the Committee report on the bill as well as in the Congressional Record during consideration of this bill on the House floor.

Sincerely,

MICHAEL T. MCCAUL,
Chairman,
Committee on Homeland Security.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 14, 2015.

Hon. MICHAEL T. MCCAUL,
Chairman, Committee on Homeland Security, Ford House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee's jurisdictional interest in H.R. 1907, the Trade Facilitation and Trade Enforcement Act of 2015, and your willingness to forego consideration by your committee.

I agree that the Committee on Homeland Security has a valid jurisdictional interest in certain provisions of the bill and that the Committee's jurisdiction will not be adversely affected by your decision to forego consideration. As you have requested, I will support your request for an appropriate appointment of outside conferees from your committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response in the Congressional Record during the floor consideration of H.R. 1907. Thank you again for your cooperation.

Sincerely,

PAUL RYAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, May 1, 2015.

Hon. PAUL RYAN,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN RYAN: Thank you for consulting with the Foreign Affairs Committee on H.R. 1907, the Trade Facilitation and Trade Enforcement Act of 2015, which was referred to us on April 21, 2015.

I agree that the Foreign Affairs Committee may be discharged from further action on this bill so that it may proceed expeditiously to the Floor, subject to the understanding that this waiver does not in any way diminish or alter the jurisdiction of the Foreign Affairs Committee, or prejudice its jurisdictional prerogatives on this bill or similar legislation in the future. I also request your support for the appointment of House Foreign Affairs conferees during any House-Senate conference on this legislation.

I ask that you place our letters on H.R. 1907 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with the Committee on Ways and Means as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 4, 2015.

Hon. EDWARD R. ROYCE,
Chairman, Committee on Foreign Affairs, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN: Thank you for your letter regarding the Foreign Affairs Committee's jurisdictional interest in H.R. 1907, the Trade Facilitation and Trade Enforcement Act of 2015, and your willingness to forego consideration by your committee.

I agree that the Committee on Foreign Affairs has a valid jurisdictional interest in certain provisions of the bill and that the Committee's jurisdiction will not be adversely affected by your decision to forego consideration. As you have requested, I will support your request for an appropriate appointment of outside conferees from your committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response in the Congressional Record during the floor consideration of the bill. Thank you again for your cooperation.

Sincerely,

PAUL RYAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, May 13, 2015.

Hon. PAUL RYAN,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN RYAN: On April 23, 2015, the Committee on Ways and Means ordered H.R. 1907, the Trade Facilitation and Trade Enforcement Act of 2015, to be reported favorably to the House. I agree to discharge the Committee on Financial Services from further consideration of the bill so that it may proceed expeditiously to the House Floor.

The Committee takes this action with our mutual understanding that, by foregoing consideration of H.R. 1907 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction. Our committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

Finally, I would appreciate your response to this letter confirming this understanding with respect to H.R. 1907 and would ask that a copy of our exchange of letters on this matter be included in your committee's report to accompany the legislation and/or in the Congressional Record during floor consideration thereof.

Sincerely,

JEB HENSARLING,
Chairman.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 14, 2015.

Hon. JEB HENSARLING,
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee's jurisdictional interest in H.R. 1907, the Trade Facilitation and Trade Enforcement Act of 2015, and your willingness to forego consideration by your committee.

I agree that the Committee on Financial Services has a valid jurisdictional interest in certain provisions of the bill and that the Committee's jurisdiction will not be adversely affected by your decision to forego consideration. As you have requested, I will support your request for an appropriate appointment of outside conferees from your committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response in the Congressional Record during the floor consideration of H.R. 1907. Thank you again for your cooperation.

Sincerely,

PAUL RYAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 13, 2015.

Hon. PAUL RYAN,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN RYAN, I am writing with respect to H.R. 1907, the ''Trade Facilitation and Trade Enforcement Act of 2015.'' As a result of your having consulted with us on provisions in H.R. 1907 that fall within the Rule X jurisdiction of the Committee on the Judiciary, I agree to waive consideration of this bill so that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 1907 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and asks that you support any such request.

I would appreciate a response to this letter confirming this understanding, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration of H.R. 1907.

Sincerely,

BOB GOODLATTE,
Chairman.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 13, 2015.

Hon. BOB GOODLATTE,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee's jurisdictional interest in H.R. 1907, the Trade Facilitation and Trade Enforcement Act of 2015, and your willingness to forego consideration by your committee.

I agree that the Committee on Judiciary has a valid jurisdictional interest in certain

provisions of the bill and that the Committee's jurisdiction will not be adversely affected by your decision to forego consideration. As you have requested, I will support your request for an appropriate appointment of outside conferees from your committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response in the Congressional Record during the floor consideration of H.R. 1907. Thank you again for your cooperation.

Sincerely,

PAUL RYAN,
Chairman.

Mr. TIBERI. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. I thank the gentleman from Ohio for yielding.

Mr. Speaker, have you ever had one of those moments where you are compelled to come running down here and come up to the mike because you are so enraged with the duplicity of some of the things you are hearing?

Beyond the simple facts of the rhetoric, looking at the math of our trade surplus and deficits, the countries that we actually have trade agreements with, we have a surplus in manufactured goods; but let's move beyond the basic math of growing our economy, the demographics issue we have in our country, and the need to have markets around the world.

Some of the crazy things I am seeing put out in the media by Big Labor, the willingness to make up stories, to make up facts, Goebbels would be very proud of them.

Having paid attention to Arizona during the NAFTA disputes and some of the crazy things that were said then, now, we look back, and it wasn't true. NAFTA has been a net positive. All the scary things that were supposed to happen never happened.

Be careful that we are not getting conned by made-up stories. This is good for America.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

I want everybody to understand how these three bills are sequenced and how and why they were set up this way by the majority so people will understand our votes.

The sequence is the first vote will be TAA; next, TPA; and next, Customs. The reason for TAA being first is to try to maximize the votes among Democrats for TPA. That is really why they were set up this way. Why is Customs last? It is because there are many Democrats who will vote for TPA—at least some, there aren't that many perhaps—who don't like the Customs bill.

Everybody who is listening should understand the rationale for this sequencing, and everybody should understand our reaction to the sequencing and what has happened here.

The way this has evolved is this. For years, I have worked to try to build strong bipartisan support for trade agreements, and we often have succeeded. With Peru, it was over 100 Democrats. We worked on Korea and got less, but the leadership and I voted for it because we worked together eventually for a truly bipartisan bill.

This TPA bill doesn't have that, and essentially, what has happened—in part, because of that—is that the leverage has been lost by the administration, to some extent, and on our side to resist items like in the Customs bill. That is really what is happening here. So this Customs bill has to go over to the Senate, but everybody should understand the predicament that this places the administration and all of us in.

For example, the language regarding Malaysia and human trafficking—or human trafficking generally. What this Customs bill does is to weaken the language that is in the Senate bill. This is on human trafficking, sex human trafficking.

It also relates to workers. Hundreds of thousands of people—for example, in Malaysia, and other countries—essentially come to those countries. Often, their passports are taken. They have no rights. We say this should not happen. Malaysia is in tier 3, and the original amendment said any country in tier 3 should not have the benefits of TPP. This weakens it and places this in—if it succeeds—in the TPA bill.

Secondly, on climate change—we worked hard in the Peru FTA to incorporate the May 10 agreement. We worked hard on worker rights, on environment, on medicines. Actually, because the then-Administration would not negotiate it, Mr. RANGEL and I negotiated the United States-Peru Free Trade Agreement with the Peruvian Government. Let no one say I am not for expanded trade—or lots of other Democrats. It had an annex in it relating to forestation and deforestation and illegal logging. Why? It is because the Amazon affects all of us, and it affects trade.

Now, what we have is language which, if accepted here and then in the Senate, would essentially preclude that kind of an agreement. That is what happens when you don't proceed on a truly bipartisan basis and there is no leverage for some of us.

Let me also talk about currency. There is also a provision on immigration which could have an impact in terms of the negotiation. I don't know that there will be a provision. What I do know is that this amendment takes out the Schumer amendments on currency.

Let me just say a word. You have put some language into this bill on currency. It is like every other negotiating objective. It is not even Swiss cheese, with lots of holes. It is the weakest kind of cheese that has no real substance to it, except maybe a good taste, but this has a bad taste.

Those negotiating objectives really are not meaningful; they are so vague, and it is the person who negotiates it who judges whether those vague negotiating objectives have been met.

So you take out the Schumer amendment. Now, what has been the impact of currency manipulation on jobs in the United States of America? This is one of the bases of the feeling of a lot of people in various communities, including the labor community, but way beyond—and our citizenry.

Because of Japan's manipulation of currency—and then China's—we lost several million jobs. That is the reality. When people come here and say this bill of theirs, this TPA bill will help in terms of job creation, and they say, as was said many times in various places, these are jobs we have already lost, that is nonsense.

There are more jobs in manufacturing and other places that could be lost that relate to the worker provisions in terms of Mexico, which competes with us, but it also relates to currency manipulation. The President has now said that China is interested, and there will be no meaningful currency manipulation in TPP. Essentially, we are opening the door for more and more currency manipulation.

This is the reason for the depth of our feeling about this TPA and these amendments that will make it even worse. Everybody listening should understand the depth of the feeling from so many of us in and out of this place, every movement—whether labor, environmental, medicines, or whatever—to what is going on here.

I think this Customs bill makes TPA even worse and essentially has tied the hands—because there is not a strong bipartisan basis—I think, of the Administration to really throw its weight around in terms of these amendments. I am afraid some of them are going to become law, and that should not happen.

I strongly urge strong opposition to this Customs bill, H.R. 644. It is one of the several reasons we should be voting ''no'' on the three votes that are coming before us.

I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Wisconsin (Mr. RYAN) will now control the time for the majority.

There was no objection.

Mr. RYAN of Wisconsin. Mr. Speaker, at this time, it is my pleasure to yield 1 minute to the distinguished gentleman from Ohio (Mr. BOEHNER), the Speaker of the House.

Mr. BOEHNER. Let me start by thanking the gentleman from Wisconsin for his leadership on the committee and his leadership on this bill. I also want to thank Chairman SESSIONS and members of the Rules Committee for all of their work.

I want to thank Mr. TIBERI, the chairman of the Trade Subcommittee, for the tremendous job that he has done. I am grateful to all Members who have offered constructive contributions to this debate.

My colleagues, we are not here today to debate any particular trade bill. The day for that may come, and when it does, we want to make sure that agreement reflects the people's priorities.

That means more jobs, higher pay, and more opportunities for workers, farmers, and small businesses. That is why we want to make sure that this agreement isn't rushed and we want to make sure that there is no agreement that is in secret. We want to make sure—darn sure—that there is less authority for the President and more authority for the people.

That is what this bill does. It is a means to an end, and the end is more free trade that is good for our economy and good for our country, which brings me to another priority in this bill, and that is American leadership.

When America leads, the world is safer, for freedom and for free enterprise. When we don't lead, we are allowing and essentially inviting China to go right on setting the rules of the world economy. What that does is keep our workers and our products on the sidelines.

We are Americans, aren't we? We are not people who stand still. We don't give in to doubt and defeatism. This is one of those moments when we need to remember that this country is an idea. It is an idea of people who choose their own destiny and people who dare to be exceptional.

□ 1200

My colleagues, you will recall that the Prime Minister of Japan was here earlier this spring. And during his address, which was about the need for America to lead on trade, he talked about how this is an ''awesome country'' because here, he said, ''you just choose the best idea, no matter who it comes from.''

Well, today, the best idea is to vote ''yes,'' not for the President, not for ourselves, but for our kids and our grandkids.

I know some Members of this body don't like trade promotion authority, some don't like Trade Adjustment Assistance. But today I am here to vote for both because it is the right thing to do.

Mr. LEVIN. I yield 1 minute to the gentleman from New Jersey (Mr. NORCROSS).

Mr. NORCROSS. I thank the gentleman for yielding. I certainly appreciate it, and talking about these three bills, how they are linked together.

But if we look at a couple of them, in particular, the trade adjustment is the equivalent of an execution, but you are getting to choose your last meal. But the end result is you are dead or, in this case, you are losing your job.

I am an electrician with a tie. That is where I started my career. Day in and day out I heard those struggles. I can take you to my district and show you those empty buildings from the failed promises of a trade agreement.

I joined this body on November 12, coming out of the worst economic times, and the first thing we are going to do is kick the American worker, kick him when he is down.

We have empty plants, as I mentioned before. Trade adjustment helps you get a job for lower pay, less benefits, less wages. They call it a trade bill for a reason. You are trading good jobs in here in America for trade jobs——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 30 seconds.

Mr. NORCROSS. They call it a trade bill because they are trading jobs. You lose your good job that has a pension, benefits, and a good wage that can take care of your children, for a job, after you go through the wringer, that pays less than half.

Yeah, we might have more jobs, but they are at the bottom end. They are not the kind that would help raise that.

So this body, if we worked as hard as we are on this bill for a transportation and infrastructure bill, those are jobs that are here today and are for our future and make our country stronger.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume for the purpose of engaging in a colloquy. I yield to the gentleman from Pennsylvania (Mr. MARINO).

Mr. MARINO. I thank the chairman.

Mr. Speaker, from the time of Ben Franklin, reliable and affordable universal mail delivery service has been an essential commitment here in the United States, particularly to rural and low-income urban areas like my own.

I am concerned when I hear my constituents assert that our ongoing trade negotiations could undermine our Postal Service. TPA and trade negotiations must not undermine the U.S. Postal Service.

I am also very concerned that continued dumped steel imports are hurting our steel manufacturers. This is a very important industry in my district. Even when we have antidumping duties to counter dumped imports, these duties are often evaded through various schemes, such as sending steel to another country to manufacture steel products, then send the finalized product to the United States.

We must address these problems in this litigation for my support.

Mr. RYAN of Wisconsin. Reclaiming my time, I appreciate the gentleman's concern about the impact of currently negotiated trade agreements on the U.S. Postal Service.

The United States has consistently excluded government services, such as mail delivery, from its obligations in past agreements. It is my understanding that the United States is continuing to do so in the ongoing Trans-Pacific, EU, and Trade in Services negotiations.

In addition, TPA specifically directs that trade agreements take into account legitimate U.S. domestic objectives, which has consistently included providing universal mail services.

Our trade remedy laws are vital for countering unfairly priced and subsidized imports. That is also why I worked with the Steel Caucus here in the House, you being a member of that, to add to our enforcement bill a series of provisions that we call ''Level the Playing Field'' to strengthen those laws.

Evasion of these laws is also a serious problem, which is why this enforcement bill contains extensive provisions to create new tools and authorities to both prevent and go after evasion.

I thank the gentleman and appreciate his leadership on these issues.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. BARLETTA) for the purpose of engaging in a colloquy.

Mr. BARLETTA. I thank the chairman for helping me to improve this bill by including STEVE KING's immigration prohibitions and strong tools to stop currency manipulation.

We need to establish a process at Customs that will stop duty evasion, which hurts manufacturers in my district.

You and I, Mr. Chairman, have talked about having Customs investigate and decide duty-evasion cases subject to deadlines. Subjecting the decisionmaking process at Customs to review at the U.S. Court of International Trade will allow U.S. manufacturers hurt by duty evasion to finally get the relief that they deserve.

Mr. Chairman, do you commit to working with me on achieving these goals in conference?

Mr. RYAN of Wisconsin. Reclaiming my time, I commit to working with the gentleman to improve the bill in conference to level the playing field for American manufacturing and American workers. And I also thank the gentleman for his leadership in ensuring that we fully enforce U.S. trade laws.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA), a member of the Ways and Means Committee, and the chair of our caucus.

Mr. BECERRA. I thank the gentleman for yielding.

Trade is pretty simple. We do it every day, whether you are trading in the old car for a newer car, or whether it is the largest economy in the world trading with the rest of the world. We do it every day.

At the end of the day, what we want is a fair deal. I give you something; the benefit of the bargain is I get something back.

Any country that wants access to our markets needs to play by the rules. We can't allow cheating to hurt our workers, their wages, our businesses, or our economy.

And the American people get it. That is why they are so apprehensive about any trade deal this Congress puts before it, because they want to know, will we lead on their behalf? Or are we going to let the special interests dictate the rules?

Will we retreat from our responsibility to make sure that if some foreign company is going to have access

to our markets, they are going to play by the rules?

When I take a look at this trade promotion authority legislation, I ask myself, how can you ever get a good trade deal out of this when the rules are rigged against America?

One simple example. Everyone agrees we have had a bipartisan consensus in this House—more than 230 Members have signed on to a letter in the past saying, We have got to stop countries that manipulate their currency to try to make their products produced by their companies look cheaper than American products.

Yet, this legislation would prohibit us from going after the countries that are cheating to prevent the companies in those countries from cheating. So how are we going to stop the companies that we know are pirating, that are stealing, that are cheating against us, how are we ever going to stop them if the rules require us to go through those countries to try to get those companies to abide by the rules?

When the country is cheating, I guarantee you, the companies are going to cheat. And that is not the way you get foreigners to access our market.

We can do much better. We have to do much better because the American people want us to lead, not retreat.

That is why we should vote this down and get a better deal that the American people know and feel is the right thing for America.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE), the distinguished majority whip.

Mr. SCALISE. Mr. Speaker, I want to thank the gentleman from Wisconsin for his leadership in bringing this bill to the floor.

Mr. Speaker, American trade is critical to strengthening our economy and to giving American workers the competitive advantage that we need so we can go out and sell more of our goods all around the world.

There aren't many impediments for foreign countries to bring their products into our countries and sell their goods here, but there are many, many impediments when we want to sell our products that we make, by American workers, to foreign countries, especially in Asian countries and European countries.

Those countries right now, our allies around the world, want to get good trade agreements, good level playing fields, so that we can have good negotiated trade back and forth and sell more of our products in those countries.

But right now China is writing the rules while America sits on the sidelines. We are not a country that sits on the sidelines, Mr. Speaker.

This bill gets us in the game so America can go out and our workers can compete on a level playing field and we can sell more of our products overseas.

But something else that this bill does, Mr. Speaker, is it actually gives Congress a direct say in the process, every step of the way. We lay out criteria, things that cannot be in trade deals, protections against immigration and global warming-type issues being included in these trade deals.

But it also gives transparency, strong and enforceable rules so that any agreement that is reached would have to be available online, not just for us to read, as Members of Congress, but for the entire Nation to read for at least 60 days before there is even a vote in Congress. And then, of course, Congress would have the ultimate veto authority over a bad deal if it was sent.

This bill is critical to getting America back in the game so our workers can be competitive. And when America competes on a level playing field, we win.

Let's go create those American jobs by passing this bill.

Mr. LEVIN. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Michigan has 17½ minutes remaining. The gentleman from Wisconsin has 22½ minutes remaining.

Mr. LEVIN. Mr. Speaker, I take special pleasure to yield 1 minute to the gentlewoman from Michigan (Mrs. DINGELL).

Mrs. DINGELL. Mr. Speaker, the vote today is why I came to Congress. I promised the working men and women in my district that I would fight to make sure that they had a seat at the table when we were making decisions that impact their life and their livelihood.

We all know that we must grow our economy and we must compete in a global marketplace. We all know what great products the American worker builds, and that we can outcompete anybody in the world. But we cannot compete with the Bank of Japan and the Bank of China.

NAFTA cost us 1 million jobs, and Michigan is still paying the price. The Korea Free Trade Agreement was a great deal for South Korea. They have expanded their imports into this country by almost half a million products. And we have worked to just get 20,000 into that market.

Enough is enough. Congress cannot abdicate its responsibility to the working men and women of this country. It is our responsibility to protect our workers. Fast Track doesn't allow this. We should not pass it.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois (Mr. RODNEY DAVIS).

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I understand the importance of trade and the impact trade negotiations can have on our local economies, even back home in Illinois.

Currently, 1 in 3 manufacturing jobs depend on exports, and 1 in 3 acres on all American farms are planted for hungry families overseas.

As a Congressman, it is my job to make sure trade agreements protect American workers, farmers, manufacturers, innovators, and service providers by opening markets around the world because, when given a fair playing field, I have the utmost confidence that American companies and industries can outcompete foreign competitors.

But too many times, past trade agreements have left our industries, especially steel, vulnerable to unfair trading practices like dumping.

I will continue to fight for stronger trade enforcement and be committed to protecting American jobs.

I want to thank Chairman RYAN and Subcommittee Chairman TIBERI for their leadership on this issue. And I really want to thank my colleague from Illinois, Representative MIKE BOST, for his tireless efforts to strengthen our trade remedy laws to protect American workers and more than 2,000 workers at our steel factory in Granite City, Illinois.

I urge a ''yes'' vote.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. BOUSTANY), a senior member of the Ways and Means Committee.

□ 1215

Mr. BOUSTANY. I thank the distinguished chairman of the committee for yielding.

Mr. Speaker, I believe all of us here in Congress can agree that evasion of antidumping and countervailing duties is a serious problem and needs to be effectively addressed. That is why I rise in support of this bill, because I think it thoroughly and thoughtfully addresses the issue.

The seafood industry in Louisiana has been particularly hit by this, which prompted me to work with industry, the committee, and others in the administration to come up with a legislative fix for the growing problem.

Thankfully, the bill before us today contains language from my PROTECT Act, providing tools for Customs to help out our legitimate importers, distributors, and trade-affected domestic industries to prevent and combat fraud at our border, not after the fact, which makes it much more difficult to deal with.

Specifically, the language in this bill is dedicated to preventing and investigating evasion. Within that unit, there will be a point of contact for private sector evasion allegations who will have the authority to direct these evasion investigations and the duty to inform interested parties. They have to inform the interested parties about the status of the investigations.

We have also increased the types of data that Customs can use to target evading imports, and this language will increase information sharing between the Department of Commerce and the International Trade Commission to effectively investigate evasion.

Finally, the bill sets specific requirements for Customs to adequately train its personnel involved in combating this. These are necessary improvements to stop fraud before it gets to our borders.

I can tell you, I have gotten plenty of comments from folks back in my district. Kimberly Chauvin, who is the owner of Bluewater Shrimp Company in Dulac, Louisiana, said the language ''creates provisions that we need. The Senate bill is a watered-down version. If we do not get BOUSTANY's bill, the whole bill does us no good whatsoever.''

We need these tools. These tools are essential to effectively combat evasion. Evasion is too important a problem to remain unaddressed, and I think we are going to get to the best possible agreement on this when we go to conference with this bill.

So I urge my colleagues to join me in supporting this very important piece of legislation. Let's move the ball forward. Let's really strengthen our laws to combat evasion and get this job done.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, at this time, I yield 1 minute to the gentlewoman from California (Mrs. MIMI WALTERS).

Mrs. MIMI WALTERS of California. Mr. Speaker, today I rise in support of trade promotion authority, or TPA, and I would like to thank the gentleman from Wisconsin, PAUL RYAN, for his leadership on this issue.

TPA, not to be confused with TPP, would put Congress in the driver's seat when it comes to negotiating trade agreements. It would ensure the President is held accountable to Congress and the American people in negotiating all trade deals. TPA, a public document which I have read and is available for the American people to read—in fact, it is right here—would require the President to make public any free trade agreement before it comes to Congress for a vote.

Trade is a vital part of our economy. One in five jobs is supported by trade, and 4.7 million jobs depend on trade in California.

Right now, American companies cannot compete on a level playing field. Trade barriers make it difficult for the U.S. to sell their goods to the 95 percent of consumers that live overseas. Free trade agreements would eliminate these barriers and put in place fair and strong rules for U.S. companies to compete and win.

Furthermore, if Congress fails to pass TPA and set the rules of the global economy, China will. We simply cannot cede our role as the global leader in the 21st century.

I urge my colleagues in the House and the American people to rally behind TPA.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), a member of our committee.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise to express both strong concern and guarded optimism about the customs bill before us today.

I will be voting against the underlying bill before us today because of the drastic and unnecessary changes the bill makes to TPA provisions related to human trafficking, currency manipulation, and immigration policy. However, I remain optimistic that the customs provisions in this bill can become as strong as the Senate bill during conference.

Senators worked on a bipartisan basis to reach an agreement after nearly a decade of negotiations on how we should be enforcing our trade laws. I am now hoping that House Republicans will be part of getting these provisions across the finish line.

One of my biggest priorities for many years has been finding a way to combat the blatant abuse and duty evasion by some foreign producers that undercut American industry here. Foreign companies use schemes to avoid paying the duties they owe on goods that they import into the United States. That is why I have introduced and fought for the ENFORCE Act. For the first time, it finally feels like we are very close to getting this done.

And to that end, I want to thank Representatives TIBERI and BOUSTANY, along with Chairman RYAN, for several productive discussions on the best way to get this done in conference. I hope that we will be able to keep working on a bipartisan basis to get a final, bipartisan House customs bill.

Giving up on the opportunity to give real teeth to our enforcement procedures would not only be harmful to our economy, but it sends a message to manufacturers, employers, and U.S. workers that this Congress doesn't care about them. By increasing our customs security measures, we can ensure that American companies that play by the rules are not undercut by foreign competitors who cheat by evading duties on their goods.

I urge my colleagues to work to improve this bill by incorporating final language with some teeth. U.S. manufacturers have waited long enough to have customs enforcement that works.

Mr. RYAN of Wisconsin. At this time, I yield 1 minute to the distinguished gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank Chairman RYAN for yielding, and I also thank him for his leadership on this issue.

Mr. Speaker, I would point out three things: trade promotion authority needs to pass, TAA needs to pass, and the customs bill needs to pass. Those are the toggle switches that are set up.

The negotiations with Chairman RYAN could not have been better. I laid two issues out in front: one was my concern that the President would negotiate global warming and climate change; the other one was the strong things that go beyond rumors of the negotiation of immigration provisions into the future trade agreements that would be negotiated under a trade promotion authority.

We addressed those issues. The language in the customs bill is language that is tight. I have confidence in it. It says it shall not obligate the United States to grant access or expand access to visas issued under 8 U.S.C. 1101(a)(15).

Mr. Speaker, this satisfies my concerns, and I know that enforcement is a concern. But we are committed to standing together should that day come that we need to do that, and we are hopeful that and expect that the President, who we also anticipate will follow his commitment to sign this bill, will also abide by the provisions in it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield the gentleman an additional 30 seconds.

Mr. KING of Iowa. I thank the chairman.

We expect the President to abide by the provisions in it. We will follow through on our part of this bargain, if not. And this Congress has an opportunity to veto.

So what a wonderful thing it is to go into a trade promotion authority circumstance and know that for the next 6 to 9 years the U.S. Trade Representative will not be negotiating global warming, will not be negotiating immigration. We preserve that for the United States Congress, as the Constitution directs. So that level of confidence lets us then focus on the trade agreements that are good for the economic growth of the United States of America. That is what is in front of us here today, and I am very grateful we have gotten to this point.

I urge adoption of the customs bill.

Mr. LEVIN. Mr. Speaker, I now yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a member of our committee.

Mr. BLUMENAUER. Mr. Speaker, I am frustrated to be on the floor today unable to vote for H.R. 644. This bill should be about helping American businesses export more, with greater efficiency, cutting red tape at the border, and enhancing our ability to hold foreign tax cheats accountable. Instead, this bill cuts corners on what matters to America's exporters and those undercut by bad actors abroad and gives special attention to the paranoia of the Republican caucus.

The Senate passed a perfectly good, bipartisan customs bill which had a couple of strong provisions that I have authored in it. That legislation is not what we are considering. Instead, today's bill contains ill-advised language on immigration, climate change. It shorts efforts to deal with human trafficking and currency, and it reverses longstanding American policy towards Israel and settlements.

It is not so much the fact that there were these vote-buying tactics that

were used to lard this up with inappropriate items that's concerning, because most will fall off in conference. I am frustrated that provisions that would strengthen the bill and get bipartisan support have been left out.

The Green 301 provisions, to help American businesses working abroad who are put at a competitive disadvantage by operating at or above local environmental laws while native companies get a free pass when it comes to following what is on the books. It is not fair, and there should be an avenue of redress. The Green 301 would have done that.

And no one benefits from a trade agreement which can't be enforced.

I had the STRONGER Act, a trade enforcement and capacity building provision that I have offered up, that we have attempted to get through here. It is in the Senate bill—and should be in the House bill.

I will be fighting in conference to make sure that these provisions—Green 301 and STRONGER—are protected in the Senate, that we have a customs bill that is worthy of support and some of the goofy stuff gets stripped away.

I will vote for TPA, but I am really frustrated that we don't have a customs bill that we all can support.

Mr. RYAN of Wisconsin. Mr. Speaker, at this time, I yield myself such time as I may consume to engage in a colloquy with the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. I thank the gentleman for yielding.

Mr. Chairman, despite a longstanding U.S. policy against the use of offset agreements, many foreign governments continue to insist on using offset agreements, which clearly distort trade, are an unfair trade practice, and result in lost opportunities for American workers.

Offset agreements and military sales contracts are add-on provisions that require U.S. companies to reinvest in foreign companies through the purchase of additional goods and services, technology transfer, foreign-based subcontractor mandates, and other similar activities.

Chairman RYAN, under TPA, how will the Federal Government curb a foreign country's use of military offsets?

Mr. RYAN of Wisconsin. I thank my friend for his question.

I agree that offset agreements distort fair trade. Under TPA, Congress will establish negotiating objectives for the President to seek more open market access for U.S. companies in the reduction, elimination, or prevention of trade distortion and localization barriers. Thus, these provisions will direct the President to seek to curb our negotiating partners' insistence on the use of offset agreements.

Mr. TURNER. I thank the gentleman for his response, and I look forward to working with him on this important issue.

Mr. RYAN of Wisconsin. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Speaker, many this morning have said TPA will protect American jobs. In Rhode Island, my home State, we know that is not true. TPA will facilitate another bad trade deal that will result in more American jobs being shipped overseas.

Those who think this trade deal is good should come to Rhode Island and meet with the men and women who still can't find work after decades of a bad trade deal just like this one.

I have listened to former jewelry and textile workers who worked in the once bustling mills in Woonsocket, Pawtucket, and Providence, who don't understand why Congress is considering another trade bill that will eliminate more American jobs.

My State lost over 40,000 jobs after NAFTA, mostly in manufacturing.

Haven't we seen the devastating impact of bad trade deals? Haven't we learned our lesson, that a trade deal that fails to address currency manipulation, that doesn't include enforceable provisions on the environment and on labor is a bad deal for American workers?

Of course we need to compete in a global economy. Of course we need to grow our economy. But we need to do it in a way that protects American jobs and protects American workers. We need fair trade, not just free trade.

I urge my colleagues to vote ''no.''

Mr. RYAN of Wisconsin. Mr. Speaker, at this time, I yield 1 minute to the gentleman from Illinois (Mr. BOST), a member of the Steel Caucus, a Member who has been very passionate on the issue of leveling the playing field.

Mr. BOST. I thank the gentleman from Wisconsin for yielding.

Mr. Speaker, American workers can compete when everyone is on the same playing field and has the same rules.

While opening new markets in the U.S., products are important. We must have effective laws that protect companies and their workers from foreign companies who cheat. This includes nations that illegally dump into our markets.

Under our current trade laws, American companies like U.S. Steel in southern Illinois must suffer long-term harm before remedies take effect. You know, that is like waiting until the house burns to the ground before you call the fire department. It doesn't make sense.

That is why I am pleased that we are voting on the Enforcement bill today, which includes language that my friend from Illinois, Congressman RODNEY DAVIS, and I introduced to combat these illegal trade practices. This legislation speeds up the process and helps companies like U.S. Steel respond to illegal dumping before it causes serious harm to the company and its workers.

I encourage my colleagues to support today's bill, and we can protect our businesses and our workers from unfair trade.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, at this time, I yield 1½ minutes to the gentleman from Indiana (Mr. MESSER), a member of our leadership team, the Policy Committee director.

Mr. MESSER. Mr. Speaker, today I rise in support of trade promotion authority because I am a conservative who believes trade creates jobs and opportunity.

In my district, farmers grow corn and soybeans and sell them all over the world. Factory workers, like my mom, build faucets, cars, forklifts, and caskets and sell them all over the world.

□ 1230

Trade allows that to happen. When the American worker gets a chance to compete on a level playing field, we win. That is why we need trade agreements.

The truth is, under the policies of this administration, paychecks are shrinking. For many workers, there is more month than money as they struggle to pay their bills. Killing this legislation does nothing to help those workers. In fact, it would only make their situation worse.

Trade-related jobs pay better. And when 95 percent of the Earth's population lives outside the United States, we can't afford to pull up the drawbridges and shut out the rest of the world. That is not smart policy, and it won't help the American worker.

Let's grow our economy. Let's secure good-paying jobs. And let's make sure the American worker leads this century just like we did the last.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, at this time, I yield 1 minute to the gentleman from California (Mr. MCCARTHY), the distinguished House majority leader.

Mr. MCCARTHY. Mr. Speaker, before I move forward, I want to thank the gentleman. He has shown true leadership in working, and working with everybody, in this House. Any time you take up a large piece of legislation, there are concerns. I have never seen another Member of this House sit with more meaning, more concerns, and try to find a solution, and I thank the chairman for that work.

Mr. Speaker, earlier this year, when I was headed home to California from D.C. one weekend, I saw something very troubling, but something actually today we can solve for the future. You see, it was February, and there was a labor dispute. There was a shutdown on our ports on the West Coast. So as the plane descended, instead of seeing the beaches stretched throughout California or the Santa Monica mountains, my attention was drawn to the number of ships sitting idle in the ocean and the number of ships that were just sitting in the port. You see, the docks were shut down and our economy was halted.

When Americans cannot have their products moved to willing buyers, the men and women who are part of the creation do not receive the rewards of their efforts. And in California, we cannot afford to waste any of our resources, especially what we have a short supply of—water. So when the trade was shut down, the food that was produced throughout the Central Valley would just rot on the docks.

But what was most interesting to me, Mr. Speaker, I remember a phone call I got just another weekend after. It was the president of the Republican freshman class here. He had just done a town hall, and he is from Colorado. He said: Mr. Leader, I have got a big issue in Colorado. The ports of the West Coast are shut down. You see, my small businesses are hurt by that. They are hurt when we are not able to have trade.

I remember a big bipartisan press conference we had, Republicans and Democrats alike, the largest one I have ever been a part of in the press room, talking about the ports being shut down, because every single one of their districts were affected, especially the small businesses.

When we cannot trade, our economy suffers and our way of life suffers. In fact, during that same period of this crippling shutdown, our economy actually shrank.

Today, what we are talking about on the floor is trade promotion authority. It allows us to get to an agreement. You know, we have not had it for a few years.

So what has happened around the world while the rest of America sat idle? There have been 100 trade agreements; 100 trade agreements around the world that we would want more of our small businesses to be a part of. You know how many we were a part of during that time? Zero, because we did not have TPA.

You know, trade is the difference between rotting produce on the harbor docks and sending California goods around the world. Trade is the difference between the lines of prosperity and the lines of stagnation.

We have a unique opportunity today. It is not a trade agreement. It is an opportunity. It is an opportunity that will empower each and every Member of this floor to have input, to have transparency, but what is more important, to empower every single American to make sure they are now at the table, that when there is the next trade agreement between countries who want to engage, America won't be left out, America can lead once more.

Mr. LEVIN. I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise in opposition to this bill. All the trade agreements since NAFTA have been sold on the same propaganda, that they will increase our exports and jobs, yet the results have always been the same: they have multiplied our imports, ballooned our trade deficits, hemorrhaged our jobs, and depressed our wages.

Now we are asked to vote for a fast-track agreement that will say we cannot amend any trade agreements, only vote them up or down, even if they, like their predecessors, lack any means of protecting our workers from competition with workers who are paid 30 cents an hour and are assassinated if they try to form a union.

We know there will be a provision for private corporate tribunals that can invalidate and render unenforceable American laws and regulations. It is our constitutional duty to regulate foreign commerce and trade agreements, not take them on a take-it-or-leave-it basis from the executive branch. It is our constitutional duty to protect the American sovereignty against foreign companies invalidating our laws through private corporate tribunals.

We must vote ''no'' on fast track to allow Congress to do its job to see that the next trade agreement doesn't hemorrhage our jobs, doesn't ignore currency manipulation, and doesn't invalidate our consumer, labor, and environmental laws. We must say ''no.''

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. CURBELO).

Mr. CURBELO of Florida. Mr. Speaker, we are in the midst of an impassioned debate on trade promotion authority, trade adjustment assistance, and trade enforcement. We are hearing arguments from our colleagues on both sides of this issue, from both sides of the aisle. Mr. Speaker, I am honored to serve as the voice of my constituents from south Florida, who directly see the impact of these free trade agreements every single day.

The United States currently has 20 free trade agreements, 11 of which are with countries in South and Central America. Miami is often called the gateway to the Americas, and I am proud to represent a diverse and proud community that has seen the positive impact of free trade. Workers in south Florida create goods and services that are used throughout the world, something that is only made possible with free trade agreements.

Congress must pass TPA so the United States can open up new markets. Since 2007, there have been over 100 agreements signed on a global scale while our country has sat idly by.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield an additional 30 seconds to the gentleman.

Mr. CURBELO of Florida. Mr. Speaker, I want the American people's representatives to have a strong hand in negotiating future free trade agreements, and this TPA bill ensures this will happen. It provides unprecedented amounts of time for the agreements to be read and ensures proper safeguards are in place for Congress, not the President, to drive the agenda on the negotiations.

Mr. Speaker, I encourage a ''yes'' vote on TAA, TPA, and trade enforcement. If anyone has any doubts as to whether TPA is good for our country, I encourage you to visit south Florida.

Mr. LEVIN. I yield 30 seconds to the gentleman from Pennsylvania (Mr. BRENDAN F. BOYLE), who I think has lost his voice.

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Speaker, I am not going to speak long as I have lost my voice.

If we pass fast track, the American workers will lose their voice. This is wrong. The President has said that social mobility and income inequality are the issues of our time. If I really believed that anything we are voting on here would do anything to address that, I would sincerely be voting ''yes,'' but it doesn't.

After 20 years of NAFTA and CAFTA and every sort of trade agreement, we have not seen our middle class benefit. Let's finally use this time to rebuild the American middle class and stand up for our workers.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia (Mr. CONNOLLY), a Member from the other side of the aisle.

Mr. CONNOLLY. Mr. Speaker, today's vote is about America's future. Who will shape it? It is not shaped by a recitation of grievance. It is not shaped by making trade a symbol of all that we find bad in economic progress. It is by seizing that future and shaping it, and that is what TPA does. It pries open foreign markets. It sets American rules setting. It allows us to frame the issues in 40 percent of the world's trade and economic activity.

We have never had an opportunity as important as this one to shape the global economy to our advantage and to those of our trading partners. We must not lose this opportunity.

The grievances are legitimate, the concerns and fears are legitimate, but we must look beyond them. We must address the future for future generations of American workers. I support the bill in front of us and urge my colleagues to do the same.

Again, I thank Mr. RYAN for his courtesy.

Mr. LEVIN. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from Michigan has 10 minutes remaining. The gentleman from Wisconsin has 9½ minutes remaining.

Mr. LEVIN. I yield for the purpose of a unanimous consent request to the gentleman from California (Mr. SHERMAN).

(Mr. SHERMAN asked and was given permission to revise and extend his remarks.)

Mr. SHERMAN. I insert in the RECORD a chart showing that we have a $100 billion trade deficit with our FTA countries. Those are the official statistics of the U.S. International Trade Commission.

PUBLIC CITIZEN,
Washington, DC, February 2015.

JOB-KILLING TRADE DEFICITS SURGE UNDER FTAS: U.S. TRADE DEFICITS GROW MORE THAN 425% WITH FTA COUNTRIES, BUT DECLINE 11% WITH NON-FTA COUNTRIES

The aggregate U.S. goods trade deficit with Free Trade Agreement (FTA) partners is more than five times as high as before the deals went into effect, while the aggregate trade deficit with non-FTA countries has actually fallen. The key differences are soaring imports into the United States from FTA partners and lower growth in U.S. exports to those nations than to non-FTA nations. Growth of U.S. exports to FTA partners has been 20 percent lower than U.S. export growth to the rest of the world over the last decade (annual average growth of 5.3 percent to non-FTA nations vs. 4.3 percent to FTA nations from 2004 to 2014).

The aggregate U.S. trade deficit with FTA partners has increased by about $144 billion, or 427 percent, since the FTAs were implemented. In contrast, the aggregate trade deficit with all non-FTA countries has decreased by about $95 billion, or 11 percent, since 2006 (the median entry date of existing FTAs). Using the Obama administration's net exports-to-jobs ratio, the FTA trade deficit surge implies the loss of about 780,000 U.S. jobs. The North American Free Trade Agreement (NAFTA) contributed the most to the widening FTA deficit—under NAFTA, the U.S. trade deficit with Canada has ballooned and a U.S. trade surplus with Mexico has turned into a nearly $100 billion deficit. More recent deals have produced similar results. Under the 2012 Korea FTA, the U.S. template for the Trans-Pacific Partnership, the U.S. trade deficit with Korea has already surged 72 percent.

FTA partner	Entry date	Pre-FTA trade balance	2014 Balance	Change in balance since FTA
Israel*	1985	($1.0)	($15.2)	($14.2)
Canada	1989	(23.9)	(82.4)	(58.5)
Mexico	1994	2.6	(99.8)	(102.3)
Jordan	2001	0.3	0.6	0.3
Chile	2004	(2.0)	5.8	7.8
Singapore	2004	0.8	10.2	9.4
Australia	2005	7.4	13.6	6.2
Bahrain	2006	(0.1)	0.1	0.2
El Salvador	2006	(0.2)	0.7	0.9
Guatemala	2006	(0.6)	1.5	2.1
Honduras	2006	(0.7)	1.2	1.9
Morocco	2006	0.1	1.0	1.0
Nicaragua	2006	(0.7)	(2.2)	(1.5)
Dominican Republic	2007	0.6	2.8	2.2
Costa Rica	2009	1.2	(3.2)	(4.4)
Oman	2009	0.6	0.9	0.4
Peru	2009	(0.2)	2.9	3.0
Korea	2012	(15.4)	(26.6)	(11.2)
Colombia	2012	(10.0)	(1.2)	11.2
Panama	2012	7.8	9.4	1.6
FTA TOTAL:		($33.7)	($177.5)	($143.9)
Non-FTA TOTAL:	[2006]	($829.3)	($734.2)	$95.1
FTA Deficit Increase: 427% Non-FTA Deficit Decrease: 11%				

Source: U.S. International Trade Commission. Units: billions of 2014 dollars. (*Measured since 1989 due to data availability)

Mr. LEVIN. I yield 1 minute to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, Members, trade adjustment assistance should not be a sweetener, a trade-in coin. Trade adjustment assistance should be what we do no matter what. It shouldn't pave the way for trade promotion authority.

It is important and good to stand with dislocated workers who basically are pushed off their jobs because of bad trade deals, which we have been pursuing for 40 years. Yet here we are today, told that we have got to vote for this trade adjustment authority, which does not include public sector workers, which is smaller than it should be. We have got to support it because—and the only reason we are here to support it, the only reason we have been lobbied by no less than the President and three top Cabinet officials, is because they know it paves the way to trade promotion authority, which is what they really want so that, literally, Members give up our constitutional duty.

Where are my constitutional conservatives when you need them?

Mr. RYAN of Wisconsin. I reserve the balance of my time.

Mr. LEVIN. I yield 1 minute to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I come from Flint, Michigan. Flint, Michigan, was the birthplace of General Motors, a place that put the world on wheels. In the last couple of decades, it has seen 90 percent of our manufacturing jobs go away. Now, true, not all of them were lost because of bad trade deals, but many of them were. And bad trade deals have exacerbated that job loss and have ruined many parts of that community.

I support, as virtually all of us do, expanded trade as a way of growing the U.S. economy. I am a member of the President's Export Council. This is something we have to do. But this TPA is not a ''yes'' or ''no'' question on whether we should expand trade. This TPA is flawed. It fails to address the most significant trade barriers hurting American manufacturers. It fails to address currency manipulation by our trading partners. And if we don't address the most significant barrier, how can we expect any trade deal to have the effect? All we have to do is look at the performance of past deals that have had similar flaws and we can see why we have failed.

If we are going to engage in expanded trade, we have to do it right, in a way that deals with currency, that deals with labor obligations, that deals with environmental obligations.

Mr. RYAN of Wisconsin. I reserve the balance of my time.

□ 1245

Mr. RYAN of Wisconsin. Mr. Speaker, I continue to reserve the balance of my time

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS. Mr. Speaker, today's vote to grant the President trade promotion authority is about America's future in a globalized world.

Let's be clear what is at stake. America's standing as a global leader has not come without strong leadership from this body, and it will not be sustained if we act out of fear rather than on facts. The most basic fact is that nations around the world are fighting for trade agreements for every advantage they can get for their economies and their workers.

It then raises the question: If we don't pass this agreement, who will set the standards of trade? Will it be us, or will it be China? If this bill fails, it will be China.

The bill before us today is a bipartisan effort to ensure that trade deals negotiated by the Executive will be guided by congressional directives to reach the highest, most transparent, and progressive standards ever required by law.

This bill should have the support of any Member who cares about the enforceable labor and environmental standards, promoting the rule of law, greater congressional oversight, and greater transparency for the American people.

Today, we are also considering Trade Adjustment Assistance, a program that for years Democrats have promoted to provide income and job training for those affected. TAA should pass also.

Mr. RYAN of Wisconsin. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, may I inquire how much time is remaining?

The SPEAKER pro tempore. The gentleman from Wisconsin has 9½ minutes remaining. The gentleman from Michigan has 7 minutes remaining.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TIBERI), chairman of the Trade Subcommittee and member of the Ways and Means Committee.

Mr. TIBERI. Mr. Speaker, I thank the chairman and thank him for his leadership, credible leadership, on this debate, about American leadership, quite frankly.

Ladies and gentlemen, we are here to debate three bills today: trade assistance for displaced workers, trade promotional and accountability authority that inserts Congress into the President's ability under the Constitution to negotiate a trade agreement with anybody he or she wants, and then finally customs and enforcement.

Enforcement is critical, ladies and gentlemen. It is a bill I am so thrilled and honored to have had the opportunity to introduce here in the House. This is a key bill as part of trade. Far too long, we haven't had as good of enforcement, quite frankly, as we need to have, and I am committed to that.

Now, let me just mention one thing—trade deficits, trade surpluses. We have 20 countries that we have agreements with, trade agreements with, 20 of them. Two of them happen to be on our borders, Mexico and Canada.

You take out energy that we import from them—and I would rather import it from them than anywhere else in the world—we have a trade surplus with those 20 countries, a surplus in manufacturing.

My dad was in manufacturing. I already told you before—and Mr. LEVIN has heard this 1,000 times, I think; he is probably tired of hearing it—my dad lost his job of 25 years, and I lost my health care as a kid in the household, along with my sisters, long before NAFTA.

Globalization began occurring, as Dr. BOUSTANY said, after World War II. We can either engage or disengage. When we disengage, we lose. When America engages, we win. We can outwork anybody.

What trade agreements do actually is break down barriers so we can compete, and then we have to have the enforcement piece. Ladies and gentlemen, that is what this is about. It is about breaking down barriers.

My State of Ohio has been devastated by globalization. My dad's job before NAFTA was devastated by globalization. Forty-eight countries in Asia have had trade agreements with each other. For the last 10 years, we are party to two. The world is passing us by. We are being left behind. We can compete if we break down barriers. That is what we need to do today.

Trade assistance—insert Congress into the President's ability to negotiate because he already has that ability. This doesn't change that. This inserts us. This inserts slow track. With that agreement, whatever that agreement is, in Asia, in Europe, 60 days in public before the President can sign it, 60 days.

I wish I had 6 hours—6 hours—to review the Affordable Care Act before I had to vote on it. This is 60 days where Members will have an ability to look at what was negotiated. If we don't like it, we will vote it down. We have the constitutional authority to do that.

This is about jobs. Vote all three bills ''yes.''

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I rise today in strong support of American workers, American manufacturing, and the environment and in strong opposition to TPA.

TPA is woefully inadequate when it comes to stopping currency manipulation, enforcing labor standards, and protecting American consumer and environmental protections. This is exactly the wrong time for Congress to be giving up its authority, which is our constituents' ability to have a voice on trade deals.

This is not labor versus business. Lapham-Hickey Steel, Independence Tube, and countless other manufacturers across my district oppose this. Ford Motor opposes this because they know past trade agreements sold as economic boons have been a bust, and they are gravely concerned about how the massive TPP enabled by this TPA will kill more Americans jobs. We need fair trade and American workers will win, but that is not what they are being given.

It is time for Congress to stand up for the middle class and American manufacturing and stop passing bad trade deals. Vote ''no'' on TPA.

Mr. RYAN of Wisconsin. Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman for yielding.

This reminds me of the song: Are you going to believe me or your lying eyes? When you come from areas of the country that some of us represent, you see what has happened with these trade deals.

Adelphi factory in Warren, Ohio, had 13,000 workers. NAFTA passed; they moved over the border and ship their products back to the United States. We will be lucky if there are even 2,000 workers there. An auto plant had 16,000 workers, General Motors. Now, they are down to 3,000–4,000 because of the trade agreements.

The chairman talked about currency manipulation. We have countries shipping products to the United States; their final product lands on our shores, and it is the same cost as the raw materials for the American company. That is not free trade. That is not fair trade. That is a raw deal for the companies in the United States and the American workers.

Let's even say that these trade agreements are good for the economy, as many people may believe. You still need immigration reform; you still need a transportation bill; you still need investments in research, in biosciences, and renewable energy.

I can't believe that some of us are voting for this and not getting any of those other things implemented. No, no, no.

Mr. RYAN of Wisconsin. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from New York (Mr. REED), a Member of the House Ways and Means Committee.

Mr. REED. Mr. Speaker, I thank the chairman for yielding.

I rise today, Mr. Speaker, in strong support of trade. It is time for us to lead. When you open up markets to our manufacturers, to our workers, you are creating jobs here on American soil.

I am a firm believer in U.S. manufacturing, Mr. Speaker. I co-chair with my colleague from Ohio the Manufacturing Caucus here, and what we are seeing is a renaissance in U.S. manufacturing. We are finally driving utility costs down. We are creating an opportunity where U.S. manufacturers are coming back on shore.

What do we need to do? We need to create markets. Ninety-five percent of the world's population lives outside of America's borders. Forty percent of the world's market is represented in the negotiations that are going on with the Trans-Pacific Partnership.

Why in the world would we not lead and negotiate an openness and fair level playing field for our American workers and our American manufacturers? It doesn't make any sense.

I ask my colleagues to join us, join with us, to open up these markets so that we can create the jobs of today and tomorrow where we make it here to sell it there. That is what this is doing. That is what trade is all about. When we have rules-based trade, our workers and our manufacturers win.

I encourage us not to get into these petty political fights and have some type of litmus test as to who is on whose side in regards to this issue. Stand with the American workers; stand with the American manufacturers; open up those world markets to our rules-based system, and I would agree, at the end of the day, we all win, and America will win.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. CLAWSON), as I understand he hasn't been able to get time from his side.

Mr. CLAWSON of Florida. Mr. Speaker, I am for opportunity for everyone and fairness for everyone, including American companies and American workers.

Since leaving my career in the automotive industry, I often run into folks that I used to know from the industry, except now they work at CVS or they work at the TSA. They say: Mr. CLAWSON, any chance the plant is going to open back up? I am having a hard time making ends meet. I am having a hard time paying for my kid's college education.

I, unfortunately, can't give them much hope. If those plants close because of lack of American competitiveness, I can swallow hard, and I can accept it; but when those plants close because of currency manipulations, which is an afterthought today, then I don't accept it, and my sadness for this unemployment turns to hardness, which is where I am today.

This is not about American competitiveness; this is about getting a chance for world-class manufacturing facilities who eliminate jobs.

I say currency manipulation, no way. I say TPA, no way. I say vote ''no.''

Mr. RYAN of Wisconsin. Mr. Speaker, may I inquire as to how many speakers are left on the other side?

Mr. LEVIN. We have one, and I will close.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. SESSIONS), the distinguished chairman of the House Rules Committee, the coauthor of the TPA bill.

Mr. SESSIONS. Mr. Speaker, I thank the young chairman from Wisconsin for his hard work.

Mr. Speaker, before we pass TPA today, the law is that the President of the United States can go negotiate whatever he wants without negotiation with the Congress and just go do it and come and plop it on our doorstep.

I disagree with that, and that is why we are doing TPA, trade promotion authority, where the House of Representatives maintains its constitutional prerogatives and is empowering through TPA any President, whoever the President is, for the next 7 years to go negotiate in some 150 parameters as they negotiate.

We maintain our sovereignty in this bill, including additions that we say the President cannot go negotiate—a new global warming trade bill, climate change, he cannot go negotiate anything new on immigration; it goes on and on and on—steel, and other things.

We are giving the President our authority and expecting him to negotiate therein. This is a good deal for the American worker.

Mr. LEVIN. Mr. Speaker, it is now my real pleasure to yield 1 minute to the gentlewoman from California (Ms. PELOSI), our leader.

□ 1300

Ms. PELOSI. Mr. Speaker, today, we have a very important decision to make in this Congress.

I join with the Speaker in acknowledging the hard work that so many have put in on this important subject.

I want to thank the President of the United States and his administration for being available with their Cabinet officers and the rest to explain to us how they see what is in the TPA—let me call it ''fast track'' so we separate this out—and what the prospects are now for the Trans-Pacific Partnership.

I want to thank our friends in labor, environmental groups, and faith-based groups who have expressed their opposition to so much of what has been presented, all of which will be constructive as we try to move forward with a better trade promotion act—fast track. Not so fast fast track.

We all understand that we live in a global economy. Some of us, as I do, represent cities that are built on trade, the city of San Francisco, and I grew up in a city where the famous clipper ships brought product to and from our shores in Baltimore, Maryland. It is a great and exciting prospect to expand markets for our products and having U.S. global leadership.

I was hopeful from the start of all of this discussion that we could find a path to ''yes'' for the fast-track legislation that was being put forth. There were some bumps in the road along the way and some potholes along the way—unfortunately, I think, sinkholes as well—but that doesn't mean that that road cannot be repaired. I just believe that it must be lengthened.

Each week, each of us goes home to our districts, and in the case of many of us, we put our hands on a very hot stove. We hear the concerns of so many families who have financial instability and uncertainty. Some of it is still springing from 2008 when they were threatened with the loss of their homes, their jobs, and their pensions, when they were living on their savings, with the inability to send their kids to college—all of it undermining the American Dream. As the economy has improved under the leadership of President Obama, still, middle class economics have not fully turned around the country, because the consumer confidence that people must have in order to invest, to spend, to inject demand into the economy is simply not there.

So my concern about all of this, it is about time. Why are we fast-tracking trade and slow-walking the highway bill? It is about time. Again, people have not recovered from 2008 sufficiently to have the consumer confidence to turn around our consumer economy. I think, today, we have an opportunity to slow down. We all know we want to engage in trade promotion and the rest of that, but we have to slow down. With whatever the deal is with other countries, we want a better deal for America's workers.

Another element of time that I am concerned about is the time that is running out for us to rein in the consequences of climate change. I want to just talk about myself for a moment, and I am bragging. I hold myself second to none in this body on the subject of protecting the environment and recognizing the challenges of climate crisis.

When I first came to the Congress, President George Herbert Walker Bush was President, and he signed my legislation, which is now called the Pelosi Amendment to the International Development and Finance Act of 1989. It said that any of our directors with any of our multilateral development banks had to have an environmental assessment made—and made known—to the indigenous people who were affected by whatever development was there and made known to the world. The connection between the environment and commerce is inseparable, and for over 25 years, the Pelosi Amendment has been in effect.

When I became Speaker, my flagship issue was energy independence and climate, so I speak from some authority on this subject. The son of George Herbert Walker Bush, President George W. Bush, signed the energy bill of 2007. We worked together to find alternatives to fossil fuels. He wanted nuclear, and I wanted renewables. We had a very successful energy bill of 2007, done under the auspices of the Select Committee on Energy Independence and Global Warming that I established as Speaker, which has been abolished since then.

Pope Francis, in another week, will be announcing his initiative on climate. While this is all going on—while schoolchildren know that this is a challenge that we must face to protect our planet, while people of faith join us and say, ''This is God's creation, and we have a moral responsibility to be good stewards of it''—in this bill today, which is the customs bill that is on the floor right now, it prohibits the USTR from negotiating on climate change. How could it be? Twenty-five years ago, the Pelosi Amendment was passed because we saw melting snow in regions, and areas as big as the United Kingdom were burning in the Amazon. This is 25 years later, and we are putting in the bill that the USTR cannot negotiate on climate change. You cannot separate commerce and the environment.

I salute the President. He has been magnificent and courageous in going out there and taking up the fight for America's leadership on climate change. He has been great. He has an agreement with China, which almost could not have been foreseen except for his leadership and the cooperation between our two countries. So it is not that he isn't doing his part. It is Congress. Again, it is about time, slowing down our responses when we should be proactive, yet fast-tracking legislation to do that.

What is interesting is, we in the House, are we labeling ourselves the ''lower body'' and giving new meaning to that term when the Senate could have opportunity for amendment after amendment if their colleagues gave them the votes? In this House, we fast-track the fast track with no chance to amend any of it. Just vote it up or down. I find that unnecessary, unacceptable, and one place we could go to have a discussion on how to improve the fast-track legislation. At the same time, the Republican majority is allowing in the customs bill amendments to the fast-track bill, this amendment on climate, other amendments on immigration, and they were spelled out by Mr. SESSIONS earlier and with great

pride—amendments to the fast track in the customs bill but no amendments for Democrats. Again, I don't see how this Congress can ignore that. I don't see how this trade agreement can ignore it.

Much has been said about security issues that are involved in this agreement and that we have to make a geopolitical case for this trade agreement. Of course, we always have the safety of the American people as our first responsibility. Their security is what we come here to protect. Yet how could it be that we are allowing—again, let me say it another way because I am being very prayerful about this. Pope Paul VI said—I mentioned Francis earlier—if you want peace, work for justice, economic justice. I don't see this happening in this fast-track bill, or the lifting up of people in the rest of the world or having trade agreements that increase the paycheck of America's workers. That should be our first order of business—environmental justice, looking at these prohibitions on dealing with climate in 11 other countries in the world and then our own.

I commend the President because, in the fast-track bill, there are some good provisions, issues, on the environment. I am talking about an ethic, a responsibility, a comprehensive view of the future. Again, the Pelosi Amendment addressed the indigenous people, all of these people, who will be not of the first, shall we say, priority for many of these countries as they make their economic decisions.

On the subject of security, last year, 16 former three- and four-star generals and admirals who served on the CNA Corporation's Military Advisory Board released a report, and 16 former three- and four-star generals said that climate change is a catalyst for conflict. Climate change, they said, will have an impact on military readiness, strain base resilience both at home and abroad, and it may limit our ability to respond to future demands.

We have rejected fast track before. After NAFTA, President Clinton sent a fast-track bill to the Congress, and it didn't even have enough votes to be taken up. The second time, it was rejected. When we had a majority in the House, we did not have fast track for President Bush. So, when people say this is the first time, it isn't so. Instead, under the leadership of Mr. LEVIN and Mr. RANGEL, we had the May 10 agreement with the basic principles of how we should engage other countries. That is part of—and thank you, Mr. President—what the TPA has as its goals, but we were dealing bilaterally, one country at a time. This is a multilateral agreement with 11 other countries—12 countries and growing—and we need to slow this fast track down. I think it is possible.

One of the questions that arises is the question of the trade adjustment assistance. Most of us have not only voted for this but have been champions of it over time. In speaking about myself again, it was one of the first issues I dealt with when I came to the Congress. It is really important, but as some of my colleagues have said, our people would rather have a job than trade adjustment assistance. I talked about that red-hot stove that people put their hands on when they go home. Mr. CICILLINE talked about his district, Mr. NORCROSS about his, Mr. BOYLE about his, and the list goes on and on. How do we say to these people, ''We are here for you; you are our top priority'' when the impression that they have is that this is not a good deal for them? But it can be. I am hopeful that it can be. So, while I am a big supporter of TAA, if TAA slows down the fast track, I am prepared to vote against TAA because, then, its defeat, sad to say, is the only way that we will be able to slow down the fast track.

Now, I understand there will be some manipulations here one way or another as to what bill comes first and what can come up and what can't, but the facts are these, actually: if TAA fails, the fast track bill is stopped. They may take up the vote, as they said they would not, but they have changed. They may take up the vote, but it doesn't go anyplace. It is stuck in the station. And for that reason, because the Senate has sent us the bill that way, connected—and if the fast track passes, we will need TAA—sadly, I would vote against the TAA, and I just wanted you to know where I was coming from on that.

For these and other reasons, I will be voting today to slow down the fast track in order to get a better deal for the American people—bigger paychecks, better infrastructure. Help the American people fulfill the American Dream.

Again, I thank Mr. LEVIN for his leadership, and I thank all of our colleagues who have worked so hard on this, really, on both sides of the issue.

□ 1315

Mr. RYAN of Wisconsin. How much time is remaining?

The SPEAKER pro tempore. The gentleman from Wisconsin has 3½ minutes remaining, and the gentleman from Michigan has 3 minutes remaining.

Mr. RYAN of Wisconsin. Given that I have the right to close, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I am ready to close, and I yield myself the balance of my time.

Today the votes on TAA and TPA are combined, and we did not do that. The Republicans did so to win votes for TPA, so they used TAA as a bargaining chip. I don't support their doing so, as someone who has been a lead sponsor of TAA. Voting ''no'' on TAA gives us a better chance to get all of these issues right.

Throughout my career, I have voted on lots of trade agreements, and I have voted for most of them. I negotiated a few of them when USTR would not do so. As mentioned, we Democrats are responsible for the labor and environmental standards and, very importantly, access to medicines that we worked out with difficulty also on May 10. So we Democrats built the foundation, and we don't want to see it eroded. Language in bills isn't enough; it is what will happen in terms of the implementation of that language.

I want to say just a few words about jobs, because it is often said we have lost those jobs, they have gone away, so, therefore, don't worry. There are millions of jobs in this country that are in danger of being lost if we don't do trade right. That is why we need to do it right. I think TPA essentially puts TPP on a fast track when it is on the wrong track. It is on the wrong track. There are negotiating objectives, but they are so vague, they don't really mean anything.

We put forth a very, very important alternative, a substitute bill that laid out instructions on each of these 10 or 11 issues, whether it was workers' rights—I can go down the list—currency, environment, investment, access to medicines, automotive market access, rules of origin, tobacco controls, state-owned enterprises, agricultural market access, food safety. There has been a response to none of these.

So as someone who believes in expanded trade, we have to do better, and to fast-track TPA is on the wrong track. I urge a ''no'' vote on all of these bills.

I yield back the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself the balance of my time.

I make two points. This is about bringing transparency and accountability to government. We are not considering a trade agreement today. We are considering a process by which we consider trade agreements. That is what trade promotion authority is. In this process, we are saying you have got to let Members of Congress see the negotiating text, you have got to let the country see a trade agreement once an agreement is reached, and you have got to follow Congress' rules, Congress' direction. That is what this does to make sure that the executive branch follows the track laid out by the legislative branch. The bigger point is this: this is about jobs; it is about income, take-home pay, American leadership.

Mr. Speaker, the world is watching us right now. They are watching this vote. Since TPA lapsed in 2007, the rest of the world kept going. While America stood still on trade, the rest of the world created 100 trade agreements, negotiated and passed 100 trade agreements, to which the United States was a party to zero of them. What this means is other countries are going around the world getting better agreements between other countries, lower tariffs, lower nontariff barriers, so their trade grows, and as a result the barriers against American products go higher.

Ninety-five percent of the world's consumers don't live here; they live in

other countries. If we want good jobs and good wages, we need to make and grow more things in America and sell them overseas. What is happening is, every single day we do nothing to open these markets up, we lose, and the rest of the world gets those jobs.

The last point is a point that I think people don't appreciate as well. We are in the dawn of the 21st century with enormous issues: cyber threats, intellectual property, you name it. The rule book on how the global economy works is being written right now. The only way for us to be in the game to write that rule book is through trade agreements: get other countries to agree to our rules, get other countries to agree to our standards, open their markets to our products. That is how we write the rules for the global economy. That is how America leads.

A ''no'' vote is to say America can't even try. A ''yes'' vote is to say more transparency, more accountability. Then Congress decides, and we are giving America a chance to stay in the leading position in the world. That is why I argue for a ''yes,'' ''yes,'' ''yes'' vote.

I want to thank everyone on the staff of the Ways and Means Trade Subcommittee.

Our staff director, Angela Ellard, Geoff Antell, Stephen Claeys, Nasim, Neena Shenai, Casey Higgins, Paul Guaglianone.

Mr. Speaker, I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in strong opposition to fast track authority and the Trade Act of 2015. Passage of this legislation today will undermine Congress's constitutional authority to regulate trade and, I fear, accelerate the de-industrialization of our great country.

The Constitution is very clear that it is Congress, and Congress alone, that has the power to ''regulate commerce with foreign nations.'' Passage of fast track, which grants the Executive Branch authority over how and when legislation must be considered by Congress, undermines our chamber's very ability to effectively regulate foreign commerce.

I share the concerns of many Members and middle class families in Texas and around the country about the Trans-Pacific Partnership—TPP—this mega-trade deal we are negotiating with Japan, Vietnam, and other countries.

To this date, Congress has been left in the dark as to what's in TPP, let alone made public to the American people. We are told that TPP will help American businesses export billions of dollars of manufactured and services each year and has labor and environmental protections that all countries will have to abide by. But we simply don't know because we haven't seen the text.

What I do know is that these so-called free trade deals have displaced millions of middle class jobs to developing countries over the past 20 years.

Our district in Houston and Harris County, Texas saw first-hand the consequences of free trade when five plants moved to Mexico in the years immediately after we joined NAFTA.

If TPP benefits the American people as much its supporters say, it doesn't need fast track. It can—and should—be considered under regular order and give Congress and the American people the time to debate the merits of this trade agreement, the largest our country has ever negotiated.

Mr. Speaker, I call on Members from both sides of the aisle to stand with America's working families and small businesses and to vote no on fast track.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to clause 1(c) of rule XIX, further consideration of the motion to concur with an amendment is postponed.

ENSURING TAX EXEMPT ORGANIZATIONS THE RIGHT TO APPEAL ACT

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the motion to concur in the Senate amendment to the bill (H.R. 1314) to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations will now resume.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 305, the previous question is ordered.

The question of adoption of the motion is divided. The first portion of the divided question is on concurring in section 212 of the Senate amendment.

Pursuant to House Resolution 305, the first portion of the divided question is adopted.

Pursuant to House Resolution 305, the second portion of the divided question is: Will the House concur in the matter comprising the remainder of title II of the Senate amendment?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEVIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on the second portion of the divided question will be followed by a 5-minute vote on the remaining portion of the divided question, if ordered.

The vote was taken by electronic device, and there were—ayes 126, noes 302, not voting 6, as follows:

[Roll No. 361]

AYES—126

Aderholt
Ashford
Barletta
Barr
Barton
Bass
Benishek
Bera
Beyer
Bishop (MI)
Blum
Blumenauer
Bonamici
Bost
Boustany
Brady (TX)
Brooks (IN)
Calvert
Carney
Clyburn
Coffman
Cole
Comstock
Connolly
Cooper
Costa
Costello (PA)
Crenshaw
Cuellar
Curbelo (FL)
Davis (CA)
Davis, Rodney
Delaney
DelBene
Dent
Dold
Donovan
Emmer (MN)
Eshoo
Farr
Fitzpatrick
Fortenberry
Foster
Frelinghuysen
Graves (MO)
Grothman
Guinta
Guthrie
Hanna
Heck (WA)
Herrera Beutler
Himes
Hoyer
Huizenga (MI)
Hurt (VA)
Israel
Issa
Johnson (OH)
Johnson, E. B.
Jolly
Katko
Kelly (PA)
Kilmer
Kind
King (NY)
Kinzinger (IL)
Kline
Larsen (WA)
Larson (CT)
Luetkemeyer
Marino
McCarthy
McHenry
McKinley
McMorris Rodgers
Meehan
Meeks
Messer
Mica
Miller (MI)
Moolenaar
Murphy (PA)
Nunes
O'Rourke
Paulsen
Perlmutter
Peters
Pitts
Polis
Price (NC)
Quigley
Reed
Reichert
Rice (NY)
Richmond
Rigell
Rogers (AL)
Rogers (KY)
Rokita
Roskam
Royce
Ryan (WI)
Scalise
Schrader
Sewell (AL)
Shimkus
Shuster
Simpson
Smith (WA)
Stefanik
Stivers
Thompson (PA)
Thornberry
Tiberi
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walters, Mimi
Wasserman Schultz
Whitfield
Wilson (SC)
Young (IA)

NOES—302

Abraham
Adams
Aguilar
Allen
Amash
Babin
Beatty
Becerra
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Boehner
Boyle, Brendan F.
Brady (PA)
Brat
Bridenstine
Brooks (AL)
Brown (FL)
Brownley (CA)
Buchanan
Buck
Bucshon
Burgess
Bustos
Butterfield
Byrne
Capps
Capuano
Cárdenas
Carter (GA)
Carter (TX)
Cartwright
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Cleaver
Cohen
Collins (GA)
Collins (NY)
Conaway
Conyers
Cook
Courtney
Cramer
Crawford
Crowley
Culberson
Cummings
Davis, Danny
DeFazio
DeGette
DeLauro
Denham
DeSantis
DeSaulnier
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Doyle, Michael F.
Duckworth
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers (NC)
Engel
Esty
Farenthold
Fattah
Fincher
Fleischmann
Fleming
Flores
Forbes
Foxx
Frankel (FL)
Franks (AZ)
Fudge
Gabbard
Gallego
Garamendi
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Graham
Granger
Graves (GA)
Graves (LA)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutiérrez
Hahn
Hardy
Harper
Harris
Hartzler
Hastings
Heck (NV)
Hensarling
Hice, Jody B.
Higgins
Hill
Hinojosa
Holding
Honda
Hudson
Huelskamp
Huffman
Hultgren
Hunter
Hurd (TX)
Jackson Lee
Jeffries
Jenkins (KS)
Jenkins (WV)
Johnson (GA)
Johnson, Sam
Jones
Jordan
Joyce
Kaptur
Keating
Kelly (IL)
Kelly (MS)
Kennedy
Kildee
King (IA)
Kirkpatrick
Knight
Kuster
Labrador
Lamborn
Lance
Langevin
Latta
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Loudermilk
Love
Lowenthal
Lowey
Lucas
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
MacArthur
Maloney, Carolyn
Maloney, Sean
Marchant
Massie
Matsui
McCaul
McClintock
McCollum
McDermott
McGovern
McNerney
McSally
Meadows
Meng
Miller (FL)
Mooney (WV)
Moore
Moulton
Mullin
Mulvaney
Murphy (FL)
Nadler
Napolitano
Neal
Neugebauer
Newhouse
Noem
Nolan
Norcross
Nugent
Olson
Palazzo
Pallone